

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

8800 Cal Center Drive  
Sacramento, California 95826



*Daniel G. Pennington, Chairman*  
*Robert C. Frazee, Vice Chairman*  
*Wesley Chesbro, Board Member*  
*Janet Gotch, Board Member*  
*Paul Relis, Board Member*

Meeting of the  
**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**  
**REGULAR MONTHLY BUSINESS MEETING**

Wednesday, April 24, 1996  
9:30 a.m.

Stanislaus County Administration Building  
Board of Supervisors Chambers  
1100 H Street  
Modesto, CA 95354

Thursday, April 25, 1996  
9:30 a.m.

8800 Cal Center Drive  
Sacramento, CA 95826

**AGENDA**

- Note:
- o Agenda items may be taken out of order.
  - o Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.
  - o If written comments are submitted, please provide 20 two-sided copies.
  - o Public testimony may be limited to five minutes per person.

**Important Notice:** The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board. To verify if an item will be heard, please call Patti Bertram at (916) 255-2156.

1. PRESENTATIONS BY LOCAL OFFICIALS
2. REPORTS OF THE BOARD'S COMMITTEES
3. REPORT FROM THE EXECUTIVE DIRECTOR
4. CONSIDERATION OF CONSENT AGENDA ITEMS

*Pacific State Steel (2/2/96)  
Paso Robles  
DTSC Reg. Structure Update  
Pruitt, Keith, Gary, Small  
all EPA Award*

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

5. CONSIDERATION OF STATE LEGISLATION (BILL ANALYSES WILL BE AVAILABLE AT THE BOARD MEETING ON APRIL 24, 1996)

- |               |      |   |
|---------------|------|---|
|               | A.   | AB 2323- (SHER) ADC SifAmnd. 5.0              |
| <i>pulled</i> | B.   | AB 2402 (MILLER)                              |
| <i>pulled</i> | C.   | AB 2467 (RAINEY)                              |
|               | D.   | AB 2706 (CANNELLA)                            |
|               | E.   | AB 2744- (ACKERMAN) No Positi                 |
|               | C.F. | AB 2809 (RAINEY)                              |
| <i>pulled</i> | G.   | AB 2989 (BOWEN)                               |
|               | C.H. | AB 3022 (SHER)                                |
|               | C.I. | AB 3263 (ACKERMAN)                            |
|               | J.   | AB 3285 (DAVIS)                               |
|               | K.   | AB 3303- (HOUSE) Note Position                |
| <i>pulled</i> | L.   | AB 3329 (CAMPBELL)                            |
|               | M.   | AB 3358- (ACKERMAN) Support                   |
| <i>pulled</i> | N.   | AB 3436 (CAMPBELL)                            |
|               | C.P. | SB 1535 (KILLEA)                              |
|               | Q.   | SB 1545 (MARKS)                               |
|               | R.   | SB 1676- (MOUNTJOY) CSEA 4-Neutral if amended |
|               | S.   | SB 1712- (CALDERON)                           |
|               | T.   | SB 1979 (O'CONNELL)                           |
| <i>pulled</i> | U.   | SB 2147 (KILLEA)                              |

*Colin Hammond re. Walnut & Diamond Bay  
Will work with author to have it apply only to local agencies*

*CRCR, WMX  
No position*

6. CONSIDERATION OF FEDERAL LEGISLATION

LOCAL ASSISTANCE AND PLANNING COMMITTEE

7. CONSIDERATION OF AWARD OF 1995 CALMAX<sup>SM</sup> MATCH OF THE YEAR
8. CONSIDERATION OF 1996 WASTE REDUCTION AWARDS PROGRAM (WRAP) APPLICATION PACKAGE
9. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE FINAL REGIONAL NONDISPOSAL FACILITY ELEMENT FOR THE WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY, CONTRA COSTA COUNTY
10. CONSIDERATION OF STAFF RECOMMENDATION OF THE PETITION FOR REDUCTION FOR THE 50% DIVERSION REQUIREMENT FOR THE CITY OF PARLIER, FRESNO COUNTY
11. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF EL CENTRO, IMPERIAL COUNTY

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- C' 12. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF GLENDORA, LOS ANGELES COUNTY
13. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF LA MIRADA, LOS ANGELES COUNTY
14. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SITING ELEMENT FOR MARIN COUNTY
15. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF GONZALES, MONTEREY COUNTY
16. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF SALINAS, MONTEREY COUNTY
17. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF COLFAX, PLACER COUNTY
18. CONSIDERATION OF THE SAN BENITO COUNTY INTEGRATED WASTE MANAGEMENT REGIONAL AGENCY AGREEMENT
19. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE REGIONAL SOURCE REDUCTION AND RECYCLING ELEMENT AND HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITIES OF HOLLISTER, SAN JUAN BAUTISTA AND THE UNINCORPORATED AREA OF SAN BENITO COUNTY, SAN BENITO COUNTY
20. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF LODI, SAN JOAQUIN COUNTY
21. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF STOCKTON, SAN JOAQUIN COUNTY
22. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SITING ELEMENT AND SUMMARY PLAN FOR SAN LUIS OBISPO COUNTY
23. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF CAMPBELL, SANTA CLARA COUNTY
24. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS ELEMENT FOR THE CITY OF LOS ALTOS, SANTA CLARA COUNTY
25. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE TOWN OF LOS GATOS, SANTA CLARA COUNTY
26. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF MILPITAS, SANTA CLARA COUNTY

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27. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF MONTE SERENO, SANTA CLARA COUNTY
  28. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF MORGAN HILL, SANTA CLARA COUNTY
  29. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF SAN JOSE, SANTA CLARA COUNTY
  30. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF SANTA CLARA, SANTA CLARA COUNTY
  31. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF SARATOGA, SANTA CLARA COUNTY
  32. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF SUNNYVALE, SANTA CLARA COUNTY
  33. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR UNINCORPORATED SANTA CLARA COUNTY
  34. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF DINUBA, TULARE COUNTY
  35. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE COUNTYWIDE SITING ELEMENT AND SUMMARY PLAN FOR YOLO COUNTY
  36. CONSIDERATION OF THE REGIONAL WASTE MANAGEMENT AUTHORITY AGENCY FORMATION AGREEMENT FOR UNINCORPORATED YUBA AND SUTTER COUNTIES, AND THE CITIES OF MARYSVILLE, YUBA CITY, WHEATLAND, LIVE OAK AND GRIDLEY
  - ✓ 37. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE REGIONAL AGENCY INTEGRATED WASTE MANAGEMENT SUMMARY PLAN AND SITING ELEMENT FOR THE REGIONAL WASTE MANAGEMENT AUTHORITY, FOR YUBA AND SUTTER COUNTIES AND THE CITY OF GRIDLEY
  38. CONSIDERATION OF APPROVAL TO FORMALLY NOTICE NON-EMERGENCY REGULATIONS FOR CONSOLIDATION OF THE ANNUAL REPORT REQUIREMENTS, 14 CCR, SECTIONS 18794.0 - 18794.7
  - 5-0 39. CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS FOR CONSOLIDATION OF THE ANNUAL REPORT REQUIREMENTS, 14 CCR, SECTIONS 18794.0 - 18794.7
  - C 40. CONSIDERATION OF OPTIONS FOR GRANTING PETITIONS FOR REDUCTIONS FOR 1995 TO JURISDICTIONS WHICH DO NOT HAVE BOARD APPROVED SOURCE REDUCTION AND RECYCLING ELEMENTS

pulled

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pulled

41. UPDATE ON THE DISPOSAL REPORTING SYSTEM AND CONSIDERATION OF STAFF RECOMMENDATIONS ON THE OPTIONS AVAILABLE TO THE COMMITTEE WITH REGARD TO COUNTIES AND REGIONAL AGENCIES THAT HAVE FAILED TO SUBMIT DISPOSAL REPORTS

# MARKET DEVELOPMENT COMMITTEE

42. CONSIDERATION OF APPOINTMENTS OF MEMBERS TO THE LOAN COMMITTEE FOR THE RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM
43. CONSIDERATION OF THE STATUS OF THE R-TEAM
44. CONSIDERATION OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM EVALUATION REPORT

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# PERMITTING AND ENFORCEMENT COMMITTEE

45. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE AMERICAN CANYON LANDFILL, NAPA COUNTY (Item available closer to meeting date)
46. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE CLOVER FLAT LANDFILL, NAPA COUNTY
47. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE B&J DROP BOX SANITARY LANDFILL, SOLANO COUNTY
48. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE OLINDA ALPHA LANDFILL, ORANGE COUNTY
49. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE FAIRMEAD LANDFILL, MADERA COUNTY Concurrence by default
50. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW STANDARDIZED SOLID WASTE FACILITY PERMIT FOR THE TERRA-GRO INC. MENEFEE RIVER RANCH COMPOST YARD, MERCED COUNTY
51. CONSIDERATION OF PROPOSED FINANCIAL ASSURANCES ENFORCEMENT PROCEDURES FOR SOLID WASTE LANDFILLS FINANCIAL ASSURANCE VIOLATIONS

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52. CONSIDERATION OF AWARD OF CONTRACTS FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (AB 2136)

53. CONSIDERATION OF SITES FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM

54. CONSIDERATION OF RECISION OF 30-DAY NOTIFICATION OF THE INTENT TO WITHDRAW APPROVAL OF THE DESIGNATION OF THE TRINITY COUNTY LOCAL ENFORCEMENT AGENCY

55. CONSIDERATION OF APPROVAL OF THE NEGATIVE DECLARATION (SCH# 96032092) AND THE PROPOSED EMERGENCY WAIVER OF STANDARDS REGULATIONS (CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 3, ARTICLE 3, SECTIONS 17210-17210.9)

56. UPDATE ON IMPLEMENTING PUBLIC RESOURCES CODE SECTIONS 44104 AND 44106 REGARDING THE INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE STATE MINIMUM STANDARDS

57. DISCUSSION OF CHIPPING, GRINDING, MULCHING, AND OTHER ORGANIC RECYCLING ACTIVITIES NOT INCLUDED IN COMPOSTING REGULATIONS (ORAL PRESENTATION)

58. DISCUSSION OF ODOR CONTROL AT COMPOSTING FACILITIES AS A RESULT OF AB59 (ORAL PRESENTATION)

OTHER

59. OPEN DISCUSSION

60. ADJOURNMENT

**Notice:** The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information contact:

INTEGRATED WASTE MANAGEMENT BOARD  
8800 Cal Center Drive  
Sacramento, CA 95826

Patti Bertram  
(916) 255-2156

**NOTE:** BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS: [HTTP://WWW.CIWMB.CA.GOV/](http://www.ciwmb.ca.gov/)

## LOCAL PLANNING DOCUMENTS

In consideration of the in-house waste prevention policy, the April 15, 1996 Local Assistance and Planning Committee Agenda Items 6 through 34 will not be included in the April 24-25, 1996 Board packet.

Please retain the above agenda items for inclusion into the April 24-25, 1996 Board packet.

If you have questions or need to obtain additional copies of the above items, please contact Patti Bertram, the Board's Administrative Assistant, at (916) 255-2156.

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING  
April 24, 1996

## AGENDA ITEM 7

ITEM: CONSIDERATION OF AWARD OF 1995 CALMAX<sup>SM</sup> MATCH OF THE YEAR

### I. SUMMARY

This item is before the Board to gain approval of the award of the 1995 CalMAX<sup>SM</sup> Match of The Year to Triad Energy Resources, Inc. (E.R.I.) and C&H Sugar Company.

The Match of the Catalog, featured in each issue of CalMAX<sup>SM</sup>, highlights an exchange made through CalMAX<sup>SM</sup> to inspire readers to utilize CalMAX<sup>SM</sup>. Each year, one of the Match of the Catalog stories is chosen as the Match of the Year by an ad hoc award committee of Board Advisors and Committee Analysts.

Based on an established criteria, the award committee ranked a 20,000 ton exchange of spent filtration media and by-products from the sugar refining process between Triad E.R.I. and C&H Sugar Company as the 1995 Match of the Year. The exchanged material, diatomaceous earth filter containing calcium phosphate, is used to produce soil amendment and fertilizer.

### II. PREVIOUS COMMITTEE ACTION

In previous years, the CalMAX<sup>SM</sup> Match of the Year has been heard before the Committee and the Board, however no action has yet been taken on this item this year.

### III. OPTIONS FOR THE COMMITTEE

Board Members may decide to:

1. Award the 1995 CalMAX<sup>SM</sup> Match of the Year to the proposed recipients, based on the established criteria and scoring by the award committee.
2. Direct staff to modify the established scoring criteria, reconvene the award committee, re-evaluate the candidate exchanges, and return to the Board with the results.

#### IV. COMMITTEE RECOMMENDATION

As of the date this item went to print, the Local Assistance and Planning Committee had not made a recommendation or decision on this item.

#### V. ANALYSIS

##### Background

The California Materials Exchange (CalMAX<sup>SM</sup>) provides a practical program for businesses, industry, institutions, and nonprofit organizations to reuse and recycle materials that have been traditionally discarded through a bimonthly catalog.

The Match of the Catalog, featured in each issue of CalMAX<sup>SM</sup>, highlights an exchange made through CalMAX<sup>SM</sup> intended to inspire readers to more fully utilize CalMAX<sup>SM</sup>. Each year, one of the Match of the Catalog stories is chosen as the Match of the Year by an ad hoc award committee of Board Advisors and Committee Analysts.

##### Criteria and Process

Selection of the Match of the Year is based on criteria developed each year that balances the amount of material diverted, the relative savings to the businesses involved, priority areas of the CalMAX<sup>SM</sup> program, and the noteworthiness of the exchange.

After a briefing, each award committee member reviewed the Match of the Catalog stories from 1995, and then scored the exchange on a provided scoresheet (see attachment). Additional information was provided upon request regarding some tonnage information. The committee's individual scoresheets were then compiled to determine the proposed recipient of the 1995 Match of the Year award.

##### Candidates

A committee of four Board Advisors and Committee Analysts reviewed the following Match of the Catalog winners from 1995:

1. Father/son entrepreneurs Larry Manhan of King Recyclers and Jonathan Manhan of Buyers Consultation Service have consistently used CalMAX<sup>SM</sup> to inform Southern Californian businesses that they can recover their old electronic scrap. They recovered 50 tons of computer monitors, computers, mainframes, circuit boards, and electronic parts through CalMAX<sup>SM</sup>, including five tons of electronic scrap from TRW of Irwindale, California.

2. Sandy Stevens of C&H Sugar Company was searching for an alternative to landfilling tons of a filtration by-product derived from the sugar refining process on a site adjacent to the refinery in Crockett. Mike Daley of Triad E.R.I. was seeking organic wastes to incorporate into fertilizer and soil amendment. Through an ad in CalMAX<sup>SM</sup>, C&H Sugar Company and Triad E.R.I. exchanged over 20,000 tons of the filtration by-product which was used to produce soil amendment and fertilizer. In addition, Triad E.R.I. was able to utilize over 32,000 tons of spent mushroom compost and horse manure through advertising in CalMAX<sup>SM</sup>.

3. Felicia Guadian, a 23 year veteran of the Lipton Tea Company, was promoted to the Recycling Coordinator position at Lipton, and immediately used CalMAX<sup>SM</sup> to reduce the amount of waste disposed at the plant. By advertising in CalMAX<sup>SM</sup>, Lipton Tea Company supplied the City of Palo Alto Recycling Program with over 500 cardboard and plastic containers; provided plastic bags to the City of Folsom for their school recycling program; and donated cardboard, chipboard, foam, plastic pails, bags, buckets, paper hats, cardboard circles and cones to the Live Oak School District and the Children's Discovery Museum of San Jose for craft projects for children. Overall, Felicia was able to reduce the amount of waste produced at the plant by 33%, reducing disposal costs by over \$1600 per week.

4. Mark Kennedy of Campus Recycling Program at CSU Humboldt needed large plastic containers to replace steel drums that were heavy, difficult to roll, and had sharp edges. Over 300 miles away, Richard Luchini, of UNOCAL refinery in Rodeo, placed an ad in CalMAX<sup>SM</sup> to eliminate a stockpile of plastic drums that previously contained compressor wash water, cleaning fluid, and firefighting foam. Mark and Richard exchanged 56 plastic drums through CalMAX<sup>SM</sup>, saving Campus Recycling Program \$160 and saving UNOCAL over \$350 in avoided disposal costs. Now the reused items are helping to recycle other material.

5. East Bay Excavating Company Inc. (EBX) operates a quarry facility in Hayward and provides materials for backfill, aggregate, base materials, and asphalt. They also accept certain types of clean construction and demolition debris (C&D) and charge \$2 and \$8 per ton for mixed C&D which is much less than the \$40-\$50 per ton charged at local landfills for the same material. By advertising in CalMAX<sup>SM</sup>, EBX recycled thousands of tons of asphalt and asphalt grindings, concrete, sand, slag, tile, toilets, and cullet while saving local businesses thousands of dollars in disposal costs and diverting thousands of tons of C&D from local landfills.

### Selection

This year, the committee of Board Advisors selected the 20,000 ton sugar filtration by-product exchange between C&H Sugar Company and Triad E.R.I. as the 1995 CalMAX<sup>SM</sup> Match of the Year. The exchanged materials were marketed to entities producing soil amendments and fertilizer in the upper San Joaquin Valley.

Staff has completed an inter-divisional review to ensure that no outstanding solid waste regulatory issues exist related to this exchange (please see attachment).

This exchange initially diverted 20,000 tons of organic material from California's landfills. The exchange involves high-priority materials and business categories (organic materials and the agricultural industry), and has laid the groundwork for on-going exchanges between the two companies. By incorporating the sugar filtration by-product into soil amendment and fertilizer for the agricultural market, this exchange also demonstrates that residue from industrial processes or municipal functions can find uses in other sectors.

In addition to the highlighted exchange, Triad E.R.I. has continued utilizing the services of CalMAX<sup>SM</sup> to find materials for their agricultural amendment management business. Triad estimates that over 52,000 tons of various organic residues have been diverted from disposal in 1995 due to their use of CalMAX<sup>SM</sup>.

Lastly, a particularly positive, long-term effect of the exchange will be realized by at least one community, as the land upon which the material was previously monofilled by C&H is slated to eventually be turned into a 1300 acre park operated by the East Bay Regional Park District.

### VII. ATTACHMENTS

1. CalMAX<sup>SM</sup> Match of the Catalog article
2. Letter from Mr. Mike Daley of Triad E.R.I.
3. CalMAX<sup>SM</sup> "Match of the Year" Scoresheet
4. Inter-Divisional Review Form

### VIII. APPROVALS

Prepared by: Ken Decio *KD*

Phone: 255-2625

Reviewed by: Jeff Hunts *JH*

Phone: 255-2492

Reviewed by: William R. Orr *WO*

Phone: 255-2490

Reviewed by: *for* Daniel Gorfain *John D. Smith*

Phone: 255-2320

Legal review/Approval: N/A

Date/Time: \_\_\_\_\_

# MATCH OF THE CATALOG

March / April 1995

## "A Sweet Deal"

by Ben Russell

CALMAX Student Assistant

Finding new and imaginative uses for unwanted materials is one of the things CALMAX is about. This is also what Triad E.R.I. is about - using unwanted organic wastes to help farmers grow healthier crops.

Triad E.R.I., owned by Mike Daley (located in Modesto) is in the fertilizer/crop improvement business, but not in the usual/modern way. Mike tests and analyzes soil, crops and water for farmers then determines what nutrients are needed and where to find them. Instead of using commercial fertilizers and soil amendments, he uses mainly materials from such sources as leftover food and food by-products. Examples of these materials are egg shells, mushroom waste, and ash from biomass plants, all used as a soil amendment.

Mike has found a way to turn normally unusable trash into a valuable resource and business. Mike also found another valuable resource...the CALMAX catalog. He discovered CALMAX about two years ago when a friend gave him a catalog. In the ads for available materials, he discovered a new source of organic wastes needed for his services.

Over on the coast, Sandy Stevens and Jean-Paul Merle of C&H Sugar Company were trying to find an answer to an on-going problem - what to do with the residue from the sugar refining process. For the last 14 years, C&H has been landfilling this residue. The cost and increasing regulatory requirements of landfilling were taking some of the sweetness out of the business.

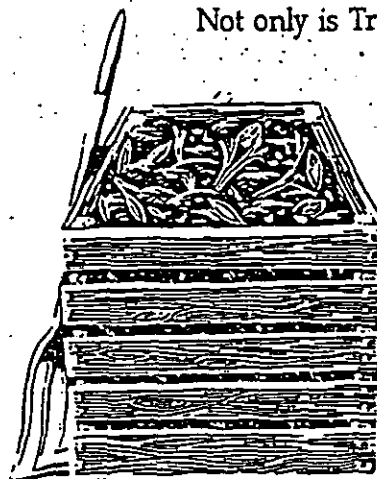
Fortunately for Sandy and Jean-Paul, the Integrated Waste Management Board and CALMAX helped them find the perfect match to meet their challenge. Their by-product turned out to be an excellent soil amendment and fertilizer - perfect for Triad E.R.I. Not only is Triad using all the material currently

produced, but they'll be able to use all the material that's been landfilling for the last 23 years! It turned out to be a money saving and environmentally profitable deal for both parties. This match was definitely win/win.

When Mike isn't working with California's farmers, he's working with children. One of his neighbors, knowing his expertise in composting and soil/

crop fertility, sought his knowledge for a school program he wanted to start. Mike has been glad to help set up a composting program for local kindergartners, using food waste from the school. He's showing little kids how to do what the big people do. Given his success with CALMAX, we're sure Mike will spread (and we don't mean compost) the news to the schools about the value of the KidMAX program.

Helping business save money, finding new, imaginative uses and markets for unwanted materials, and helping conserve landfill space are some of the basic goals of the CALMAX program. The ongoing match between these two companies showcases many of the potential benefits of using CALMAX. Both Triad E.R.I. and C&H Sugar Company know they've found a win-win arrangement through CALMAX. Congratulations!







# TRIAD ENERGY RESOURCES, INC.

## NATURAL RESOURCES DEVELOPMENT

February 27, 1996

Integrated Waste Mgt. Board  
CALMAX  
Attn: Kevin Taylor  
Fax: 916-255-4580

Dear Kevin:

This letter is in response to your request for information on our success using the CALMAX magazine. Please find below a list of some of our projects that came as a result of the Classifieds.

#1. Spent Mushroom Compost:

We have used approximately 30,000 tons of the waste in the past 18 months. This was a direct result of contacting the listed person in the magazine.

#2. Spent Filter Media: We are currently working out arrangements to haul the product on a regular basis.

#3. We have picked up used pallets from companies listed in the magazine.

#4. We picked up and used Sawdust Fines as a result of an ad.

#5. We are working with a Coffee Company to utilize their Coffee Grounds.

#6 We have taken approximately 2,000 Tons of Horse Manure listed through the Classifieds.

#7. We are presently working with two companies that have contacted us through the Magazine to help develop homes for Restaurant food waste.

#8. We have helped many individual people with small waste problems by giving them advise on what to do with their waste. These people call as a result of our listing in the Magazine.

#9. We are presently moving product from C&H Sugar Company. We used approx. 20,000 tons of the 200,000 ton pile so far. It will take us two to three years to use it all. This again was a result of C&H contacting us through the Classifieds.

As you can see we have had great results by using the Classifieds. Each issue that arrives, I read cover to cover and high light the products that we can use. Then I call and check them out. I feel the Classifieds have increased our business by at least 25% or more in the last 18 months.

Maybe through programs like this more people will catch the vision of Recycling.

Sincerely,

Mike Daley  
President

## CALMAX "Match of the Year" Scoresheet

Match and material type \_\_\_\_\_

The following items are the criteria for scoring. Rate them according to the following scale:

1. Does not meet at all
2. Meets somewhat
3. Meets criterion in average way
4. More than meets criterion
5. Exceeds criterion in an exemplary way

Does this Match:

\_\_\_\_\_ Save landfill space? Number of tons \_\_\_\_\_  
Cubic yards \_\_\_\_\_

\_\_\_\_\_ Save money? Disposal savings \_\_\_\_\_  
Procurement savings \_\_\_\_\_

\_\_\_\_\_ Is it an ongoing exchange?

\_\_\_\_\_ Does it involve targeted material categories?  
(C&D, electronics, organics)

\_\_\_\_\_ Does it involve CALMAX's target audience?  
(business, industry, institutions)

\_\_\_\_\_ Does it implement the proper waste management  
hierarchy? (reduce, reuse, recycle)

\_\_\_\_\_ Does this Match have strong public relations value  
for CIWMB?

\_\_\_\_\_ Does this Match have intangible value? (e.g. Help  
those in society less fortunate? Human interest?  
Send "right message" about waste prevention,  
reuse, and recycling?

Total: \_\_\_\_\_ Points

# REQUEST FOR INTERDIVISIONAL REVIEW

WPA&D-1  
3-27-95

Attachment 4  
Date 3/18/96

To:	Dorothy Rice cc: Clint Whitney	Contact:	Phone: 255-2185	Division:	EXC
From:	Dan Gorfain	Contact:	Jeff Hunts	Phone: 255-2492	Division: WPM
Subject:	1995 CALMAX Match of the Year				
Action needed:	Are there any solid waste facility permitting or enforcement issues that would preclude Triad E.R.I. and C&H Sugar Company from being selected/approved as the 1995 CALMAX Match of the Year?				Date action needed: 3/22/96

Background Information:	Triad E.R.I. has exchanged various organic materials through CWMB's CALMAX program. These exchanges were featured in the Match of the Catalog of the July/August issue of CALMAX, including sugar residue exchanges with C&H Sugar Company. Each year, one of the Match of the Catalog stories is chosen Match of the Year by an ad hoc committee of Board Advisors. The exchange between Triad E.R.I. and C&H Sugar Company was tentatively selected as the 1995 Match of the Year. Before placing the 1995 CALMAX Match of the Year as an agenda item before the Local Assistance and Planning Committee in April, staff would like to ensure that these exchanges are not in violation of CWMB composting and tiered regulations.
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Questions to be answered: (Please also indicate the basis for the answer given. See examples on back.)	
Are there any businesses on the attached list that have a permit/enforcement action pending against them, have had permit/enforcement action taken against them in the past, or are related in any way to a permitting/enforcement issue? If so, please explain.	
Other comments?	
Are there any solid waste facility permitting or enforcement issues that would preclude Triad E.R.I. and C&H Sugar Company from being selected/approved as the 1995 CALMAX Match of the Year? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain.	
See reverse	

Approved:	<i>[Signature]</i>	Date:	3/18/96
Approved:	<i>[Signature]</i>	Date:	3/18/96
Approved:	<i>[Signature]</i> ← P&E	Date:	3/27/96

## CALMAX Match of the Year

### INFORMATION FROM THE LEA BRANCH/BOB HOLMES:

I'm familiar with Triad Energy Resources, Inc. through their work with a coal burning co-generation plant in Stockton. They broker ash and other materials for use in agricultural applications. As far as I know they are a reputable company.

The sugar residue from C&H is a diatomaceous earth filter containing calcium phosphate.

It doesn't appear like there are any solid waste facility permitting or enforcement issues that would preclude Triad and C&H from being selected/approved as the 1995 CALMAX Match of the Year. This type of activity, use of processed materials as soil amendments, is fairly common in the ag. community (e.g., sugar beet lime, rice hulls, manures, cannery wastes).

The sugar residue is not being composted, so the composting regulations do not apply. Also, nothing of this nature is slotted or scheduled to be slotted in the tiers so it does not violate the tiered regulations.

### INFORMATION FROM THE PERMITS BRANCH/BEATRICE POROLI:

C&H Sugar Company had a disposal site in Contra Costa County up until Jan 1995 when The Department of Food and Agriculture classified the waste as a fertilizer. The reclassification of the waste to a fertilizer material removed the site from the definition of a solid waste facility. Since the site is no longer considered a solid waste facility, there are no longer permit issues associated with the site.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

BOARD MEETING  
April 24, 1996

**AGENDA ITEM 8**

**ITEM: CONSIDERATION OF 1996 WASTE REDUCTION AWARDS PROGRAM  
(WRAP) APPLICATION PACKAGE**

**I. SUMMARY**

This item is before the Board for consideration of the 1996 WRAP application.

WRAP was established in 1993 with approval by the Board. Since then, several new Board Members have been appointed. The purpose of this item is to bring Members up to date on the status of the program and explain the modifications made to improve the WRAP application for 1996.

The 1996 WRAP contract has been awarded to the Local Government Commission (LGC), effective February 5, 1996, in the amount of \$45,119.64. This year, 1996, is the fourth year of WRAP. The application has been revised according to suggestions by Board staff, the contractor, and businesses, and to incorporate new initiatives.

The application period for 1996 is June 1, through July 31, 1996. Applications will be evaluated and scored, and a list of qualified applicants will be presented to Committee and the Board for final approval.

**II. PREVIOUS COMMITTEE ACTION**

In previous years, the revised WRAP application has not been heard before the Committee or the Board, and no action has yet been taken on this item this year.

**III. OPTIONS FOR THE BOARD**

Board Members may decide to:

1. Approve the WRAP application, as revised by staff and the contractor for 1996 award cycle;
2. Direct staff to make specific adjustments to the 1996 WRAP application, or;

3. Direct staff to work with Advisors on specific areas of the WRAP application.

#### IV. COMMITTEE RECOMMENDATION

As of the date this item went to print, the Local Assistance and Planning Committee had not made a recommendation or decision on this item.

#### V. ANALYSIS

##### Background

WRAP is an annual program that recognizes California businesses that have made outstanding efforts to reduce nonhazardous waste and send less garbage to landfills. Practices evaluated include waste prevention, materials reuse, recycling, recycled product procurement, and employee education. Successful applicants receive an award certificate from Board along with the rights to use the WRAP logo on products, advertising and promotional materials.

Any and all California businesses that have taken effective measures to reduce the amount of waste they generate may apply. Applicants do not compete by type or size of business, but are judged based on their individual merit. Local governments, by spreading the word about WRAP to businesses in their communities, are crucial to the success of WRAP.

Each year the WRAP application has been revised and the questions refined in order to determine if the applicants have programs in place which observe the waste reduction standards established by the program.

Based on suggestions by Board staff, the contractor (please see attached 1995 WRAP Final Report), local government and selected WRAP participating businesses, the 1996 application has been revised and accommodations made for certain new initiatives.

##### Improvements

Revisions to the previous years application suggested by Board staff include:

- Asking applicants for standard industrial classification codes (SIC). This information will allow for further processing of the data gathered through the application, and increase staff's knowledge of waste reduction efforts by industry type;

- Asking for the three main components of an applicant's waste and a quantification of diversion activities. This information will allow staff to better analyze the relative significance of various waste reduction efforts;
- Asking about additional waste prevention activities beyond examples listed in the application. This is primarily for staff's edification on what other types of activities businesses can pursue to reduce waste;
- Asking if the applicant has participated in, or wants information about, other Board programs such as CALMAX, the Waste Prevention Information Exchange, RMDZ's, Buy Recycled Program, etc. This will help staff understand the visibility and usefulness of existing outreach programs, as well as provide candidates for future, targeted outreach efforts;
- Better accommodating chain stores or large multi-outlet retailers. This will allow more multi-outlet stores, such as Target did in 1995, apply in relative unison, minimizing unnecessary paperwork in the process, and;
- Clarifying the green waste/food waste reduction questions. Staff found that past years' questions about green wastes and food wastes were especially confusing, and that applicants either could not understand or adequately answer those questions as written. In some cases, businesses were "penalized" even when a question did not appropriately apply to them.

Changes suggested by the contractor, beyond those covered above, include:

- Bolding or highlighting those application questions that are inclined to be overlooked, and;
- Clarifying employee incentive and education questions, tailoring the intent to businesses of certain size.

The principle modification suggested by businesses who have participated in WRAP in the past was a clarification of the green waste/food waste reduction portions of the application. Furthermore, any revisions to the WRAP application took into consideration the concerns of staff, the contractor, local government and businesses that the application not be so cumbersome and intimidating that potential applicants would balk at completing it.

### New Initiatives

New initiatives in 1996 include "WRAP of the Year" and increased use of electronic media. The 1996 WRAP contract was augmented by \$4600.00 to initiate the WRAP of the Year Award Program and to provide for additional use of electronic technologies to put WRAP on the Board's web page.

Implementation of the 1996 WRAP of the Year Award Program will include:

- development of winner selection criteria;
- further evaluation of WRAP applications for ranking;
- development of a candidate pool, selecting a number from each of the five top industry types represented by the applicants (e.g. - in 1995, those were retail outlets, manufacturers, food & beverage, printers, and wineries) and possibly one "at large" winner;
- selection of proposed winners, and;
- development of a special placard/award certificate and conducting the appropriate media promotion.

Electronic enhancements for 1996 include posting the WRAP application and other promotional items on the Board's web page, as well as the development and availability of the 1996 WRAP application on diskette (MAC and PC).

### Timeline

The timeline for the application and WRAP winner selection is:

- Program promotion, April 15 through July 31, 1996;
- Revise and print 1996 applications by May 24, 1996;
- Receive completed applications, June 1 through July 31, 1996;
- Score applications by August 31, 1996;
- P & E review of potential winner applications by August 31, 1996;
- Winner list considered by LAPC and the Board at the September 1996, meetings;
- Applications evaluated for WRAP of the Year winners by September 30, 1996, and;



- WRAP of Year Award winner list approved by LAPC at the October 1996 meeting.

#### Outlook

Board staff expects the WRAP program to continue growing. In 1995 there were 305 WRAP winners, bringing the total number of winners to 737 since the program's inception in 1993. In 1996 WRAP is better coordinating the "look" of the application, promotional flyer, etc., to give a more polished, professional, business-like look, and to increase business participation. WRAP has established a 1996 goal of a 30% return rate on applications, with representation from each county.

WRAP is committed to co-promoting the program through the following Board business waste reduction programs: CalMAX, Waste Prevention Information Exchange, Business Waste Reduction Education Assistance, Pilot Waste Reduction Program, State & Local Government Partnership, Grasscycling Partnership, Buy Recycled, RTEAM, RMDZ's, etc., by advertising other Board business assistance programs in WRAP promotional materials.

WRAP is marketed externally through promotion by local government recycling coordinators, trade associations, chambers of commerce, recyclers and waste haulers, environmental groups and others, and through the distribution of flyers, letters soliciting promotional support, follow-up telephone calls, press releases, and articles in a variety of publications. Particular efforts are made to target trade association newsletter editors, multiple divisions of large corporations, chambers of commerce that have not participated in WRAP on the past, and business journals.

Already, WRAP's limited presence on the Board's world wide web page (within Waste Prevention World) is generating new requests for information and applications. Additionally, staff has received numerous telephone requests for 1996 WRAP applications from businesses which have heard about WRAP from the business community, local government, newspaper articles, etc.

#### **VII. ATTACHMENTS**

1. WRAP 1995 Final Report (Boardmember and Executive packets only. For additional copies, please contact Linda Hennessy at (916) 255-2497.)
2. Draft WRAP 1996 Application (Available after April 11, 1996. Boardmember and Executive packets only. For additional copies, please contact Linda Hennessy at (916) 255-2497.)

Board Meeting  
April 24, 1996

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Page 6

VIII. APPROVALS

Prepared by: Linda Hennessy  Phone: 255-2497

Reviewed by: Jeff Hunts  Phone: 255-2492

Reviewed by: William R. Orr  Phone: 255-2490

Reviewed by:  Daniel Gorfain Phone: 255-2320

Legal review/Approval: N/A Date/Time: \_\_\_\_\_

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## BOARD MEETING

APRIL 24, 1996

### AGENDA ITEM 39

**ITEM:** Consideration of Adoption of Emergency Regulations for Consolidation of the Annual Report Requirements, 14 CCR, Sections 18794.0 - 18794.7

#### I. SUMMARY

Existing regulations require jurisdictions to submit Annual Reports to the California Integrated Waste Management Board (Board) on August 1 of each year following Board approval of their planning documents, and each year thereafter. Annual Reports will inform the Board of a jurisdiction's progress toward achieving the mandated waste reduction goals identified in Public Resources Code (PRC) Section 41780.

The Annual Reporting requirements are currently located in five Articles in the Regulations, which makes the preparation of Annual Reports a difficult task for jurisdictions. To simplify the process, Board staff are proposing revisions that will clarify and streamline the regulations, and will place all Annual Reporting requirements into one Article. The proposed revisions will also consolidate the Annual Reports currently required for each planning document into one Annual Report.

To allow jurisdictions lead time for preparing their reports, Board staff are proposing the revisions as emergency regulations, so that in early May jurisdictions will have the guidance they need to prepare and submit complete Annual Reports by the August 1 due date.

#### II. PREVIOUS COMMITTEE ACTION

This Board Agenda Item was sent to print before the Local Assistance and Planning Committee's (LAPC) April 15, 1996 meeting, so no Committee action report was available. Staff will update the Board on the LAPC's action at the April Board meeting.

#### III. ACTION BEFORE THE BOARD

The Board may:

1. Adopt the proposed emergency regulations, and direct staff to file them with the Office of Administrative Law (OAL) at the earliest possible date.

2. Direct staff not to pursue emergency regulations.

#### IV. STAFF RECOMMENDATIONS

Staff recommends the Board adopt Option 1.

#### V. ANALYSIS

Regulations currently require California jurisdictions to submit an Annual Report for their Source Reduction and Recycling Elements (SRREs), Household Hazardous Waste Elements (HHWEs), Nondisposal Facility Elements (NDFEs), and Board-approved Petitions for Reduction of the diversion goals. In addition, each county or regional agency must also submit an Annual Report on its Siting Element and Summary Plan. Since November, 1995, when the Board adopted and OAL approved emergency regulations, all Annual Reports are now due to the Board on August 1 of the year following Board approval of the respective planning document, and every year thereafter.

The Annual Reporting requirements are currently located in five Articles of Title 14, California Code of Regulations (14 CCR). Article 6.1, Section 18726.1 discusses how a jurisdiction is to calculate its maximum disposal allowable, as part of its goal achievement calculations. Article 7.0, Sections 18771 and 18775 discuss contents of Annual Reports, and Annual Reporting requirements for petitions for reduction. Article 8.0, Section 18787 discusses Annual Reporting requirements for Siting Elements and Summary Plans. Article 9.0, Section 18813, and Article 9.3, Section 18831 discuss the Annual Reporting requirements for disposal reporting, and the adjustment method. It would help jurisdictions preparing their Annual Reports if all Annual Reporting requirements were placed into one Article.

Annual Reports will notify the Board of jurisdictions that are meeting the goals and implementing diversion programs. The reports will also notify the Board of jurisdictions having trouble meeting the goal, and/or meeting obstacles to implementing selected diversion programs. Board staff will be working with these jurisdictions to help them come into compliance. It is therefore imperative that these reports are as accurate and complete as possible, so Board staff can assist those jurisdictions that need help in meeting the mandated goals.

The proposed regulations are organized in such a manner that the preparer of an Annual Report may go step-by-step through the requirements. The regulations closely follow the organization of the Model Annual Report (Model) that was distributed to all

The proposed revisions would modify existing regulations by simplifying the language of the existing requirements, placing all annual reporting requirements into one Article, and requiring a single Annual Report from each jurisdiction. A copy of the proposed regulations is attached.

Upon approval by the LAPC on April 15, 1996, Board staff will concurrently start the regular rulemaking process for non-emergency regulations to make the proposed revisions permanent. The non-emergency regulations were a separate agenda item on the LAPC's April agenda.

1. Resolution No. 96-167
2. Article 9.0 - Proposed Emergency Annual Report Regulations

Prepared by: Catherine Cardozo Phone: 255-2396  
Reviewed by: John Nuffer Phone: 255-2368  
Reviewed by: Pat Schiavo Phone: 255-2656  
Reviewed by: Lorraine Van Kekerix Phone: 255-2670  
Reviewed by: Judith J. Friedman Phone: 255-2376  
Legal Review: Date/time: 4/12/96

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-167**

April 24, 1996

**CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS FOR  
CONSOLIDATION OF THE ANNUAL REPORT REQUIREMENTS, 14 CCR, SECTIONS  
18794.0 - 18794.7**

**WHEREAS**, Public Resources Code Section 40502 requires the Board to adopt regulations to carry out the mandates of solid waste management; and

**WHEREAS**, Public Resources Code Section 41821(f) requires jurisdictions with approved Source Reduction and Recycling Elements, Household Hazardous Waste Elements, Non-disposal Facility Elements, County or Regional Siting Elements, and Summary Plans to annually report to the Board their progress in reducing solid waste, as required by Section 41780; and

**WHEREAS**, Public Resources Code Section 41787 allows rural jurisdictions to petition the Board for a reduction in diversion goals, and Title 14, California Code of Regulations, Section 18775(d) requires jurisdictions that have been granted such a petition to report annually to the Board on the need to continue that reduction; and

**WHEREAS**, local jurisdictions are now required to submit an Annual Report for each of their planning documents that were approved by the Board prior to January 1, 1996, by August 1, 1996; and

**WHEREAS**, consolidating the multiple Annual Reports into one Annual Report would streamline the process of preparing an Annual Report for jurisdictions, and the review process for Board staff; and

**WHEREAS**, the existing annual reporting regulations are located in five Articles in Title 14, California Code of Regulations, which will make preparation of a complete Annual Report a difficult task for local jurisdictions; and

**WHEREAS**, locating all annual reporting requirements in one Article will simplify the process of preparing Annual Reports for jurisdictions, and will help ensure the information provided is clear and complete; and

**WHEREAS**, receiving incomplete Annual Reports could prohibit Board staff from identifying those jurisdictions in need of assistance in meeting the goals; and

**WHEREAS**, clear, complete, and accurate information from the

**WHEREAS**, clear, complete, and accurate information from the Annual Reports and feedback from the Board are necessary to allow jurisdictions to make critical adjustments to their programs, or implement contingency programs in order to meet diversion goals.

**NOW THEREFORE BE IT RESOLVED**, that the Board hereby finds the proposed emergency regulatory revisions are necessary for the immediate preservation of the public peace, health and safety or general welfare.

**NOW THEREFORE BE IT ALSO RESOLVED**, that the Board hereby adopts the proposed emergency regulations for consolidation of Annual Report requirements on diversion progress (14 CCR Sections 18794.0 - 18794.6), and directs staff to submit the proposed regulations and justification for the emergency status of the regulations to the Office of Administrative Law.

#### **CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24, 1996.

Dated: .

Ralph E. Chandler  
Executive Director

TEXT OF REGULATIONS:

California Code of Regulations

- Title 14.        Natural Resources.
- Division 7.      California Integrated Waste Management Board.
- Chapter 9.       Planning Guidelines and Procedures for Preparing  
                  and Revising Countywide or Regional Integrated  
                  Waste Management Plans.
- Article 9.0      Annual Report Regulations

DETAILED ANALYSIS

Section

- 18794.0    General Requirements and Due Dates
- 18794.1    Goal Achievement Calculations
- 18794.2    Reporting Requirements for Calculations
- 18794.3    SRRE/NDFE and HHWE Implementation
- 18794.4    Siting Element and Summary Plan Status
- 18794.5    Status of Qualifying Conditions for Board-approved  
            Petitions for Reduction
- 18794.6    Addressing an Area-of-Concern, or Conditionally  
            Approved Planning Documents



## Section 18794.0: General Requirements

(a) Each jurisdiction shall submit an annual report that discusses the progress achieved in implementing the programs and/or facilities described in a jurisdiction's Planning Documents. Planning Documents include the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), Nondisposal Facility Element (NDFE), Siting Element (SE), Summary Plan, or Petition for Reduction.

(b) The annual report shall also discuss the progress a jurisdiction has made in achieving the disposal reduction goals required by Public Resources Code (PRC) section 41780.

(c) A jurisdiction includes a City, County, City and County, or Regional Agency, as defined in Section 18801.

(d) The annual report will serve as a basis for determining if any of the Planning Documents need to be revised to reflect new or changed local and regional solid waste management programs, facilities, and other conditions, as well as to determine compliance with the mandated disposal reduction goals.

(e) Jurisdictions shall submit the annual report as follows:

(1) Jurisdictions with Planning Documents approved or conditionally approved prior to January 1, 1996, shall submit their first annual report on these approved documents by August 1, 1996.

(2) Jurisdictions that did not have any Planning Documents approved or conditionally approved prior to January 1, 1996 shall submit their first annual report by August 1 of the year following Board-approval of a Planning Document.

(3) Jurisdictions shall submit subsequent annual reports every August 1 thereafter, that address all of a jurisdiction's Planning Documents that have been approved by the Board either during, or prior to, the previous calendar year.

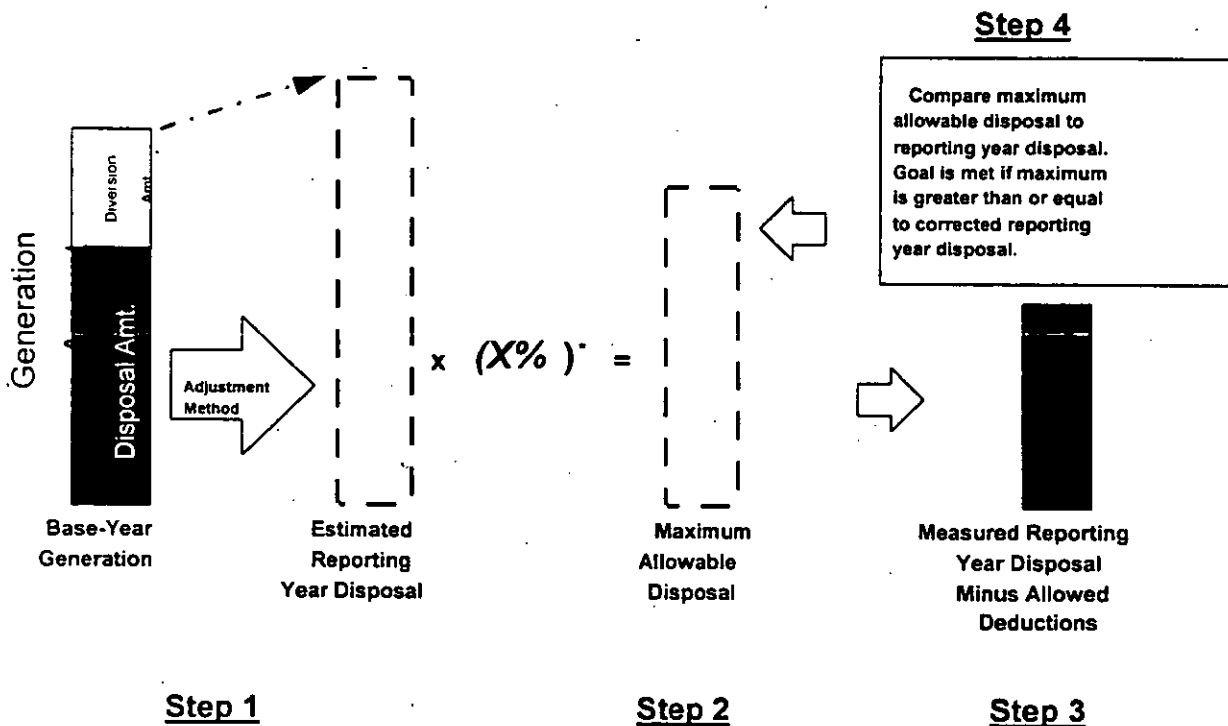
(f) Jurisdictions shall submit three copies of the annual report.

Note: Authority cited: Section 40502, Public Resources Code.  
 Reference: Sections 40050, 40051, 40052, 40901, 41000, 41300, 41500, 41510, 41700, 41750, 41750.1, 41751, 41780, 41801.5 and 41821, Public Resources Code.

**Section 18794.1: Goal Achievement Calculations**

(a) A jurisdiction's annual report shall include the calculations described in this Section to measure achievement of the disposal reduction requirements of PRC section 41780. The diagram below shows the sequence of the calculations.

**MEASURING GOAL ACHIEVEMENT**



\* Where  $X\%$  is normally 0.75 for years 1995 to 1999, and 0.50 for year 2000, unless a jurisdiction has a Board-approved waste reduction goal.

(b) Step 1. A jurisdiction shall first adjust its Board-approved base-year generation amount, as required in Section 18797.3. This adjustment yields the estimated reporting year generation amount.

(c) Step 2. A jurisdiction shall next calculate its maximum allowable disposal tonnage, as follows:

- (1) A jurisdiction without a Board-approved petition for reduction in the goal shall multiply its estimated reporting year generation amount by 0.75 (75%) for the years 1995 through 1999, and by 0.50 (50%) for the year 2000.
- (2) A jurisdiction with a Board-approved petition for reduction in the goal, except for a jurisdiction that is a region as described in subdivision (3) below, shall multiply its estimated reporting year generation amount by the difference between 100% and the reduced goal. For example, if the reduced goal for 1995 is 15%, then the estimated reporting year generation amount would be multiplied by 85% (100% - 15% = 85%).
- (3) A region that has at least one member agency that has a Board-approved petition for reduction in the goal, but does not have a reduced goal for the region as a whole, shall calculate its maximum allowable disposal as specified in PRC Section 41787.2.

(d) Step 3. A jurisdiction shall next deduct any tonnages from the reporting year disposal tonnages calculated pursuant to Section 18813 which it is authorized to subtract because:

- 1) it meets the criteria in PRC Section 41782 for claiming a reduction in its disposal tonnage because of a regional diversion facility, or regional medical waste treatment facility; and/or
- 2) it has disposed of solid waste at facilities in excess of permitted tonnages pursuant to one or more Emergency Waivers of Standards that were granted in accordance with emergency or permanent regulations in effect during the reporting year.

These deductions yield the corrected reporting year disposal tonnages.

(e) Step 4. A jurisdiction shall then compare its maximum allowable disposal tonnage (from Step 2) to its corrected reporting year disposal tonnage (from Step 3). The goal has been

met if the maximum allowable disposal tonnage is greater than or equal to the corrected reporting year disposal tonnage.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 41780, 41780.1, 41780.2, 41781,  
1787.2, 41821, 41821.5, and 41850, Public Resources Code.

#### Section 18794.2: Reporting Requirements for Calculations

(a) Jurisdictions who were incorporated prior to January 1, 1995 and who submit their first annual report in 1997 or later, shall include their disposal reduction calculations for 1995, in addition to their disposal reduction calculations for the current reporting year.

(b) The information used for calculating the adjustment in Section 18794.1 (b) above, shall be included in a jurisdiction's annual report to the Board.

(c) If a jurisdiction is a member of a Regional Agency, then a single combined report of the information shall be made for all the members of the Regional Agency.

(d) The annual report shall include the information listed below for the calculated adjustment:

- 1) Name of all jurisdictions included in the report
- 2) For the jurisdiction's base-year:
  - (A) base-year
  - (B) population factor number and data source used
  - (C) employment factor number and data source used
  - (D) uncorrected taxable sales factor number and data source used
  - (E) consumer price index number and data source used
  - (F) residential generation tonnage amount
  - (G) non-residential generation tonnage amount.
- 3) For the jurisdiction's reporting-year:
  - (A) reporting-year
  - (B) population factor number and data source used
  - (C) employment factor number and data source used
  - (D) uncorrected taxable sales factor number and data source used

- (E) consumer price index factor number and data source used
- (F) a copy of all interim calculations used to reach the adjusted base-year tonnage amount
- (G) estimated reporting-year generation as calculated using the equations in Section 18830.

(e) In addition to the information required by this Section, a jurisdiction may also submit in its annual report any other information it wishes the Board to consider relating to the base-year waste generation tonnage amounts, adjustment factors, or calculations. The additional information may include a discussion of why the adjustment method as described in Section 18797.3 may not fully represent a jurisdiction's local conditions, and what additional adjustments would be needed.

(f) If a jurisdiction made an adjustment in its reporting year disposal tonnages because of a regional medical waste treatment facility or regional diversion facility located within its borders, it shall provide the Board with documentation demonstrating it meets the criteria specified in PRC Section 41782 for making such an adjustment.

(g) If a jurisdiction made an adjustment in its reporting year disposal tonnages because of a disaster, it shall provide the Board with documentation demonstrating that the adjustment was made pursuant to one or more Emergency Waivers of Standards that were granted in accordance with emergency or permanent regulations in effect during the reporting year, and that the tonnages claimed are consistent with the additional tonnages reported to the local county agency by the facilities subject to the Emergency Waivers.

(h) A jurisdiction may also provide additional information related to the tons of waste disposed in California including "host-assigned" waste as described in Sections 18809, 18810, and 18811, or exported from California. The jurisdiction shall describe how this additional information was obtained.

(i) If a jurisdiction's calculations as described in Section 18794.1 above, show its disposal reduction goal has not been met, then a jurisdiction shall discuss in its annual report what possible problems may have prevented it from reaching its goal. Problems may include, but are not limited to:

- 1) base-year inaccuracies;
- 2) disposal reporting problems;
- 3) changes in a jurisdiction's waste stream beyond the jurisdiction's control; or
- 4) changes in the overall waste management system that may hinder achievement of the disposal reduction goals.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 41821 and 41821.5, Public Resources Code.

### Section 18794.3 SRRE/NDFE and HHWE Implementation

(a) SRRE/NDFE Annual Report Requirements. Each jurisdiction shall monitor its reduction of solid waste and summarize in the annual report its progress toward achieving the mandated disposal reduction goals identified in PRC section 41780. The information provided will serve as a basis for determining whether a revision of a SRRE is needed. The SRRE/NDFE section of the annual report shall address at least the following:

- (1) Implementation status of selected programs;
- (2) An explanation why any selected programs were not implemented;
- (3) Contingency programs or other measures that have been, or will be implemented to help achieve the disposal reduction goals;
- (4) Changes to selected programs, implementation schedules, or funding sources;
- (5) Efforts made to inform the public of selected programs and facilities, and to increase public participation;
- (6) Any other barriers that may prevent achievement of the disposal reduction goals;
- 7) Any changes to existing or planned new nondisposal facilities used by the jurisdiction;

(8) If a jurisdiction's calculations show its disposal reduction goal has not been met, then a jurisdiction may include an expanded discussion on items 1 through 7 above;

(9) Quantities and types of waste diverted through recycling and composting programs directly funded or operated by the jurisdiction including, but not limited to, contracts or franchises;

(10) If a jurisdiction funds or operates a program through contracts or franchises and the agreement does not contain program monitoring and reporting requirements providing the information required by (9) above, the jurisdiction may include this information at the time of the contract or franchise agreement renewal, or at the jurisdiction's five year revision, whichever comes first;

11) The adequacy of, or the need to revise, the Solid Waste Generation Study or any other Component of the SRRE; and

12) If a jurisdiction determines that a revision of the SRRE is necessary, the annual report shall contain a timetable for making the necessary revisions.

(b) HHWE Annual Report Requirements. Each jurisdiction shall summarize in the annual report its progress toward reducing or eliminating household hazardous waste (HHW). The information provided will serve as a basis for determining whether a revision of a HHWE is needed. The HHWE section in the annual report shall address at least the following:

(1) Implementation status of selected programs;

(2) An explanation why any selected programs were not implemented;

(3) An explanation why any programs that were implemented did not achieve expected reduction of HHW;

(4) Contingency programs or measures that have been or will be implemented to increase efforts or effectiveness in achieving reduction or elimination of HHW;

(5) Changes to selected programs, implementation schedules, or funding sources;

(6) Efforts made to inform the public of HHW collection events or facilities;

(7) Any barriers that may prevent the reduction or elimination of HHW;

(8) The adequacy of, or the need to revise, the HHWE; and

(9) If a jurisdiction determines that a revision of the HHWE is necessary, the annual report shall contain a timetable for making the necessary revisions.

NOTE: Authority Cited: Section 40502, Public Resources Code.  
Reference: Sections 40901, 40973, 41000, 41032, 41033,  
41300, 41500, 41510, 41780, 41787, 41787.1, 41787.2, 41802, 41821,  
Public Resources Code.

Section 18794.4: Siting Element and Summary Plan Status

(a) Each county or regional agency shall include in its annual report a discussion on the status of its Siting Element and Summary Plan. The information provided shall serve as a basis for determining if the Siting Element and/or Summary Plan should be revised.

(b) The Siting Element section in the annual report shall address at least the following:

(1) Whether the county or regional agency has maintained, or has a strategy which provides for the maintenance of, 15 years of disposal capacity;

(2) The adequacy of, or the need to revise, the Siting Element; and

3) If a jurisdiction determines that a revision of the Siting Element is necessary, the annual report shall contain a timetable for making the necessary revisions.

(c) The Summary Plan section in the annual report shall address at least the following:



(1) Any changes in the financing of countywide or regional programs and/or facilities and why these changes occurred;

(2) Whether new cities within the county or regional agency have incorporated since the adoption of the Summary Plan. For each new city, the city's name, date of incorporation, and population at time of incorporation shall be provided; and

3) If a jurisdiction determines that a revision of the Summary Plan is necessary, the annual report shall contain a timetable for making the necessary revisions.

NOTE: Authority: Section 40502, Public Resources Code.  
Reference: Sections 40051, 40052, 41701, 40703, 41721, 41721.5, 41751, 41770, and 41821, Public Resources Code.

**Section 18794.5: Status of Qualifying Conditions for Board-approved Petitions for Reduction**

(a) Jurisdictions with a Board-approved petition for reduction shall address the following in their annual reports:

(1) Whether the jurisdiction still qualifies to petition for the reduction pursuant to Section 18775(a);

(2) Whether the reduction is still needed, based on the Board-approved petition and items addressed in Section 18775(c).

(b) The Board may, upon review of the annual report, find that a revision or revocation of the reduction is necessary. The Board shall present any such findings at a public hearing.

NOTE: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 41787, 40973, 41787.1, 41802 and 41821 Public Resources Code.

**Section 18794.6 Addressing an Area-of-Concern, or Conditionally Approved Planning Documents**

(a) Reporting Requirements for Areas-of-Concern. Each jurisdiction with a Planning Document for which the Board identified an area-of-concern at the time it was approved or conditionally-approved, may address the concern in its annual report. Once the concern has been adequately addressed by the jurisdiction, it no longer needs to be addressed in subsequent annual reports. If a jurisdiction does not adequately address an area of concern in the annual report, the Board may consider it during its biennial review pursuant to PRC section 41825.

(b) Reporting Requirements for Conditional Approvals. Each jurisdiction with a Planning Document that was conditionally approved by the Board, shall discuss how it has met the conditions in its annual report. The conditions are listed in the Resolution in which the Board conditionally approved the planning document. The Resolution is attached to the Notification letter sent to a jurisdiction pursuant to PRC section 41810. Once the conditions have been adequately addressed, they no longer need to be addressed in subsequent annual reports.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41801.5, 41802, 41810, and 41821, Public Resources Code.

# California Integrated Waste Management Board

Board Meeting  
April 24, 1996

## AGENDA ITEM 40

**ITEM:** Consideration of Options for Granting Petitions for Reductions for 1995 to Jurisdictions Which Do Not Have Board Approved Source Reduction and Recycling Elements

### I. SUMMARY

How should the Board handle requests for retroactive reductions in the short-term (1995) diversion requirements that are submitted by jurisdictions which do not have a Board approved Source Reduction and Recycling Element?

The Board has granted reductions in the short-term (1990-1995) planning and 25% diversion requirements to seven counties and sixteen cities. These jurisdictions each submitted a Petition for Reduction (PFR) to the Board requesting the reduction and justifying why they were unable to meet the 25% goal. Board staff reviewed each jurisdiction's PFR and subsequently presented it to the Board with a recommendation. Reductions were granted only to rural jurisdictions that met the criteria established by the Board in Title 14, California Code of Regulations (14 CCR) § 18775.

Board staff recently received three PFRs of the 25% goal by jurisdictions which do not have Board approved Source Reduction and Recycling Elements (SRREs). Other jurisdictions have indicated they will also soon submit such PFRs.

### II. PREVIOUS COMMITTEE ACTION

The Local Assistance and Planning Committee voted to approve staff recommendation to consider Options 3 and 4 when determining whether to grant retroactive Petitions for Reductions to jurisdictions which do not have Board approved SRREs.

### III. OPTIONS FOR THE COMMITTEE

Board staff, in conjunction with staff counsel, have developed four scenarios which the Board may choose to consider in determining whether to grant short-term reductions, particularly since the short-term period is over. They are as follows:

- (1) Grant a retroactive reduction in the short-term diversion requirements to qualifying jurisdictions who meet the recommended criteria when the PFRs are submitted by the jurisdiction.
- (2) Grant a retroactive reduction in the short-term diversion requirements; however, wait until the 1995 disposal reporting data is available and the jurisdiction calculates whether it has achieved the disposal reduction goal. After reviewing this calculation, determine whether a reduction is necessary and if so, grant the reduction to qualifying

jurisdictions who meet the recommended criteria.

- (3) Deny the PFR for the short-term diversion requirements. The short-term period is over and the jurisdiction cannot change what was implemented in the short-term to meet the 1995 goal. Board staff can review the jurisdiction's 1995 disposal reduction calculations. If after reviewing this data and concluding that the jurisdiction has not met the 25% goal, Board staff could perform an analysis to determine whether the jurisdiction, given its rural circumstances, met the criteria set forth in the *CIWMP Enforcement Policy - Failure to Implement a SRRE* for making a good faith effort to meet the 25% goal.

This analysis would take into consideration whether the jurisdiction implemented all feasible programs to meet the goal, given its rural circumstances (economy, population, waste generation, and other factors affecting a rural jurisdiction's ability to meet the goals). Board staff may use criteria similar to that as outlined in the Board's *Policy for Granting Reductions in the 50% Diversion Requirement*. This criteria was designed to determine as nearly as possible whether a jurisdiction can meet the 50% diversion requirement and whether it has made a good faith effort to do so.

This analysis would also differentiate between those jurisdictions requesting a reduction due to rural conditions, or due to other factors which are not specific to rural jurisdictions (i.e., disposal reporting data, base-year inaccuracies).

- (4) Consider issuing a 2 year extension in meeting the disposal reduction goal as allowed by PRC § 41787.4. The Board may grant a two year time extension from the diversion requirements to rural jurisdictions if specific conditions are met. One of these conditions requires the Board to adopt written findings that adverse market or economic conditions beyond the control of the rural jurisdiction prevent the jurisdiction from meeting the diversion requirements. However, the Board has not yet determined what qualifies as adverse market or economic conditions. This determination would require analysis of materials marketing and the economics of recycling in the various rural areas of the State.

#### IV. STAFF RECOMMENDATION

Staff recommend that the Board consider scenarios three and four identified above in determining whether to grant any retroactive reductions in the short-term diversion requirements to jurisdictions which do not have Board approved SRRE.

V. ANALYSIS

Statutory and Regulatory Requirements for PFRs

PRC § 41780 requires each city and county to divert 25% of its solid waste from disposal by 1995 and 50% of its solid waste from disposal by the year 2000 through waste prevention, recycling and composting. PRC § 41782 allowed exceptions to be made to this mandate under specified circumstances for rural jurisdictions.

AB 688 (Sher), effective January 1, 1995, repealed PRC § 41782 and added PRC § 41787. This new section specified additional requirements for rural jurisdictions to be eligible to petition for reductions. In addition to small geographic size or low population density and small amount of waste generated, interested jurisdictions must now be implementing the following programs:

1. A source reduction and recycling program designed to handle the predominant classes and types of solid waste generated within the rural city or rural county.
2. A public sector diversion and procurement program.
3. A public information and education program.

AB 688 also added Sections 40183 and 40184 which define rural cities and counties, respectively. Jurisdictions must also now meet these criteria to be eligible to petition:

- (a) An incorporated city which has a geographic area of less than three square miles, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, and which is located in a rural area.
- (b) An incorporated city which has a population density of less than 1,500 people per square mile, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, which is located in a rural area.
- (c) "Rural County" means any county which has a population of 200,000 or less and which is located in a rural area.
- (d) For the purposes of these sections, the Board shall adopt regulations that define "rural area" in a manner that establishes criteria and conditions applicable only to cities and counties located in those areas of the state that are rural in character. Those criteria shall include, but are not limited to, the requirement that those cities and counties are located in agricultural or mountainous areas of the state and are geographically distant from markets for recyclable materials.

These provisions restrict the eligibility of a few small cities located in metropolitan areas. However, they also increase from 15 to

32 the number of rural counties that will be eligible to petition. This is because the limiting factor for counties will no longer be a maximum waste generation rate of less than 100 cubic yards per day or 60 tons per day, but a population limit of 200,000.

AB 440 (Sher), effective January 1, 1994, added an additional reduction related provision to the Uncodified Law. Section 17 of the Uncodified Law states the following:

- (a) The Board may reduce the diversion requirements of Section 41780 for a portion of the unincorporated part of a county of the seventh class, as specified in Section 28028 of the Government Code, if the county demonstrates, and the Board concurs, based upon substantial evidence in the record, that the achievement of those diversion requirements is not feasible in that area due to both of the following circumstances:
  - (1) The low population density of the area.
  - (2) The small quantity of waste generated within the area.
- (b) The Board shall establish alternative, but less comprehensive, requirements for the area if the Board grants a reduction in diversion requirements, which will ensure compliance with this division.
- (c) Notwithstanding subdivision (a), it is the intent of the Legislature that any area that is granted a reduction in diversion requirements shall establish programs to meet the requirements of this division to the maximum extent possible.

For the purpose of this section, counties of the seventh class are defined in Section 28028 of the Government Code as those which contain a population of 650,000 and under 700,000.

14 CCR § 18775 outlines the procedures for submitting a PFR. It also describes the information required in the PFR and in annual progress reports.

#### Criteria For Granting Reductions in the 50% Diversion Requirements

The Board took a position in early 1990-1991 that petitions for reductions for the 50% goal year would not be considered by the Board at that time. The reason for this position was based on the fact that the 50% goal year (the year 2000) was more than 9 to 10 years away and it was premature to grant a petition that far in advance. Solid waste technology, market conditions and other factors could change in 9-10 years for a local jurisdiction. These changes could in fact enable a jurisdiction to actually meet the goals.

However, in October 1994, the Board approved a policy for granting reductions in the 50% medium term diversion requirements. This policy specified that the Board shall consider and act on PFRs in the 50%

diversion requirement based upon an evaluation of a standard set of criteria. These criteria were designed to determine as nearly as possible whether a jurisdiction can meet the diversion requirement and whether it has made a good faith effort.

Statutory and Regulatory Requirements for Revising or Revoking PFRs

14 CCR § 18775(e) specifies that the Board may revise or revoke a reduction if necessary based upon information provided in a required annual report. Also, AB 688 (Sher) as codified in PRC § 41787(b) specifies that the Board shall issue an order requiring the rural city or county to comply with the diversion requirements of PRC § 41780, if a jurisdiction is no longer eligible for a reduction, for example, because of population growth.

Other Related Statutory and Regulatory Requirements

Measuring Goal Achievement: There are several steps in measuring diversion goal achievement. The following discussion will summarize the procedure used to determine goal achievement.

In the base-year (usually 1990), each jurisdiction determined the total amount of waste disposed and the total amount of waste diverted to calculate the total amount generated in the base-year. Using base-year generation amounts, jurisdictions will get credit for diversion that was occurring before the Integrated Waste Management Act, while basing the goals on base-year disposal amounts alone would not.

In 1995, jurisdictions will not measure the total amount generated, they will only measure disposal. But to determine whether the 25% goal has been met, one must compare the amount disposed in 1995 with an estimate of what is generated in 1995. Therefore the 1995 generation number must be calculated based on the base-year generation amount.

Since economics and population affect solid waste generation amounts, the base-year generation amount must be adjusted for these changes. The Board approved adjustment method (14 CCR Article 9.3) adjusts the base-year generation amount to reflect 1995 conditions. The adjustment method yields an estimated 1995 generation amount, which is an estimate of how much solid waste was generated in a jurisdiction based on current economic and population indicators. It is the estimated 1995 generation amount that must be reduced by 25% to reach the statutory goal for 1995.

In 1995, the diversion goal is 25%. But in a disposal-based reporting system, the 25% diversion is not measured. Instead the 75% of disposal remaining is measured. The estimated 1995 generation tonnage is multiplied by 0.75, or 75%, to calculate the maximum allowable disposal for 1995. The maximum allowable disposal is the maximum amount of solid waste that a jurisdiction can dispose while still meeting the 25% diversion goal.

The disposal reporting system, as established by Board regulations (14 CCR Article 9.0), estimates the amount of waste disposed by each jurisdiction every year. The calculated maximum allowable disposal is compared to the measured disposal to determine if the goal has been achieved. The goal is met if the calculated maximum is greater than measured disposal.

Jurisdictions report all of the above information for Board review in their Annual Reports.

Failure to Implement a SRRE: PRC § 41825 requires that the Board, at least once every 2 years, review each jurisdiction's SRRE and HHWE. If, after a public hearing is held, the Board finds that the jurisdiction has failed to implement its SRRE or HHWE, the Board then issues an order of compliance with a specific schedule for achieving compliance. PRC § 41850 specifies that, if after holding a public hearing and issuing a compliance order, the Board finds that the jurisdiction has failed to meet the compliance order, the Board may impose administrative civil penalties upon the jurisdiction. This section also directs the Board, in determining whether or not to impose penalties and the amount of any penalties imposed, to consider specific circumstances such as the following:

- (1) Natural disasters.
- (2) Budgetary conditions within a city, county, or regional agency which could not be remedied by the imposition or adjustment of solid waste fees.
- (3) Work stoppages which directly prevent a city, county, or regional agency from implementing its SRRE or HHWE.

In addition, the Board must consider the extent to which a jurisdiction has made good faith efforts to implement its SRRE or HHWE.

In response to this legislation, the Board adopted, in February 1995, the Countywide Integrated Waste Management Plan (CIWMP) Enforcement Policy Part II which establishes guidelines in determining whether a jurisdiction failed to implement a SRRE or HHWE. This document also establishes a penalty structure, should a jurisdiction fail to implement its SRRE or HHWE.

According to the CIWMP Enforcement Policy Part II, the Board must consider circumstances specific to rural jurisdictions such as market development obstacles, population density, waste generation rates, demographic and economic factors, and other factors affecting a rural jurisdiction's ability to meet the diversion requirements.

Two Year Time-Extension: AB 688 (Sher) added an additional relief provision for rural jurisdictions, PRC § 41787.4. This section states that the Board may grant a two year time extension from the diversion



requirements of Section 41780 to a rural city, rural county, or rural regional agency if all of the following conditions are met:

- (a) The Board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural regional agency prevent the rural city, rural county, or rural agency from meeting the diversion requirements.
- (b) The rural city, rural county, or rural regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded.
- (c) The rural city, rural county, or rural regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction.

#### PFR Analysis and Procedure

Upon receipt of a PFR, staff review and analyze the petition to determine the relative merit of a jurisdiction's request. In their review and analysis of PFRs, staff determine whether a jurisdiction is effectively implementing all feasible diversion programs and whether the jurisdiction is incapable of diverting more than it projects in the petition. Staff also evaluate a number of specific criteria related to wastestream composition, location of markets, volumes of recyclables, local staff and financial resources, current diversion programs, planned diversion programs, and the strength of the jurisdiction's effort. This has allowed the Board to consider and grant PFRs on a case-by-case basis.

The fact that these PFRs are being submitted during the latter part of, or after, 1995 may impact the decision of the Board to grant a reduction for the short-term. Staff have determined that based on the PFR eligibility criteria for cities, there are 69 jurisdictions which do not have Board approved SRREs and qualify to submit PFRs. There is a potential for jurisdictions to submit PFRs in 1996 (after-the-fact) based on preliminary calculations of goal achievement using the disposal reporting data and based on the fact that they meet the rural criteria. This is why staff believe the policy decision from this case will set precedence to future PFRs.

If a jurisdiction submits a PFR after 1995, the jurisdiction will have to meet the criteria of presenting substantial evidence in the record for the Board to consider. Since 1995 is over, jurisdictions cannot modify diversion activities targeted to achieve the 1995 goal. Jurisdictions which submitted PFRs for the 25% goal prior to 1995 could argue they were held to a different standard than jurisdictions submitting PFRs for the 25% goal after 1995, as almost all

jurisdictions which have Board approved PFRs modified their original PFRs to include additional programs.

Jurisdictions must address reasons for not meeting the 1995 goal or implementing selected programs in the Annual Report submitted after Board approval of the SRRE. Preparing and submitting a retroactive petition for reduction would duplicate this information.

Legally, there are no restrictions on when the Board may grant a PFR to a jurisdiction. Although jurisdictions may qualify to petition the Board for a reduction in the diversion requirements, the Board is not obligated to grant reductions to those jurisdictions.

The Board recently adopted a policy not to grant PFRs submitted after 1995 to jurisdictions which have Board approved SRREs. Granting PFRs submitted after 1995 to jurisdictions which do not have Board approved SRREs would result in an inequitable benefit to jurisdictions which have not complied with the mandated planning requirements of AB 939.

The Board is required to consider the extent to which a jurisdiction has made a good faith effort to implement its SRRE. Good faith effort is shown when a jurisdiction has made all reasonable and feasible efforts to implement programs or activities that achieve progress toward reaching the 25% and 50% goals. Therefore, if the Board denies a PFR for the short-term diversion requirement, a jurisdiction will still be afforded the opportunity to show its good faith efforts toward implementing diversion programs and obstacles or difficulties encountered toward implementing those programs. And, if the Board issues a 2-year extension in meeting the disposal reduction goals, the Board would be required to prepare written findings on the specific conditions that were beyond the control of a local jurisdiction.

Prepared by: Tabetha Willmon *TW* Phone: 255-2316

Reviewed by: Toni Terhaar *TT* Phone: 255-2304

Reviewed by: Lorraine Van Kekerix *LK* Phone: 255-2670

Reviewed by: Judith Friedman *JF* Phone: 255-2376

Legal Review: Elliot Block *EB* Date/Time: 4/16/96

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24, 1996

## AGENDA ITEM 42

ITEM: CONSIDERATION OF APPOINTMENTS OF MEMBERS TO THE LOAN COMMITTEE FOR THE RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM

### I. SUMMARY

The terms for four of the Loan Committee members for the Recycling Market Development Zone Loan Committee (Committee) have expired. This agenda item recommends filling three of the positions at this time. Staff is preparing a recommendation for filling the fourth vacancy.

### II. PREVIOUS COMMITTEE ACTION

None

### III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Accept the Committee's recommendation.
2. Modify the Committee's recommendation.
3. Take no action and provide staff with further direction.

### IV. COMMITTEE RECOMMENDATION

At its April 11, 1996 meeting, the Market Development Committee recommended that the Board approve the reappointment of the following Loan Committee members for two year terms expiring on December 31, 1997:

- James R. Baird - "public sector north" representative
- Roxanne Middleton - "rural area" representative
- James A. Young - "Trade and Commerce Agency" representative

The Committee also recommended that this item be placed on the Board's consent agenda.

#### V. ANALYSIS

Regulations for the Recycling Market Development Zone (RMDZ) Loan Program require that the Board, upon recommendation of the Market Development Committee, appoint a Recycling Market Development Zone Loan Committee of not more than seven members (14 CCR 17931(c)). The purpose of the Loan Committee is to advise the Board on the financial soundness of loan applications. The Committee meets quarterly and submits a list of recommended projects to the Market Development Committee for final recommendation to the full Board.

Regulations further state that the committee shall be comprised of representatives demonstrating expertise in financial analysis and credit evaluation, who are from the public and private sectors, urban and rural areas, the lending community, and the Department of Commerce (now the Trade and Commerce Agency). Initial appointments based upon these representative groups were made in December of 1992. The terms of four Loan Committee members expired December 31, 1996, but they continue to serve at the pleasure of the Board, until replaced or reappointed.

The following are being recommended for reappointment to the Committee:

James R. Baird, Chief Executive Director of the Bay Area Development Company, has served on the Committee since its inception. His vast lending experience and knowledge of government loan programs has proven invaluable in committee discussions.

Roxanne M. Middleton, Senior Lending Officer for the California Statewide Certified Development Corporation (CSCDC), has served on the committee since May 1994. She specializes in the SBA 504 program, her focus at the CSCDC are the 10 Northern California rural counties and the County of Ventura.

Finally, James A. Young, Chief of Credit Administration for the Trade and Commerce Agency, has served on the Committee since its inception. Mr. Young's knowledge of state financing programs and of the Trade and Commerce Agency is an asset to the Committee.

One member, Bruce P. Stewart, Vice President of the Bank of America Community Development Bank, who served on the Committee commencing in October 1993, elected to not seek reappointment. Staff is currently considering other candidates for this vacant position.

#### VI. ATTACHMENTS

1. Proposed RMDZ Loan Committee Members - April 1996

#### VII. APPROVALS

Prepared by: Nadine Ford Phone: 255-2295  
Reviewed by: Robert Caputi Phone: 255-2442  
Reviewed by: John D. Smith Phone: 255-2413  
Reviewed by: Daniel Goffain Phone: 255-2320  
Legal Review: McM Date/Time: 4/12/96 - 4<sup>30</sup>pm

Attachment 1

Recycling Market Development Zone  
Proposed Loan Committee Members  
April 1996

Member	Category	Term Expiration
Vacant	"Lending Community"	December 1997
Ms. Kristine M. Chung Vice President City National Bank Los Angeles	"Private Sector"	December 1996
Mr. Ray Sakaida General Manager Business Finance Center Monterey Park	"Urban Area"	December 1996
Mr. James R. Baird Chief Executive Officer Bay Area Development Company Lafayette	"Public Sector North"	December 1997
Mr. James A. Young Chief of Credit Administration Department of Commerce Office of Small Business Development Sacramento	"Department of Commerce"	December 1997
Roxanne Middleton Senior Lending Officer California Statewide CDC 129 C Street Davis, CA 95616	"Rural Area"	December 1997
Lupe Vela Program Administrator Integrated Solid Waste Management Office Bureau of Sanitation City of Los Angeles	"Public Sector South"	December 1996

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting  
April 24, 1996

**AGENDA ITEM 43**

**ITEM: CONSIDERATION OF THE STATUS OF THE R-TEAM**

**I. SUMMARY**

The California Recycling Business Assistance Team (R-Team) has undergone significant changes since its inception in November 1994. This agenda item updates the Market Development Committee on recent events and program changes.

Staff is proposing revisions to R-Team activities based on its experience to date. R-Team and the Recycling Market Development Zone (RMDZ) staff designed these activities to identify, target and assist recycling manufacturing businesses which have the potential to divert Board priority materials, while staying within the original R-Team goals. The Committee may choose to provide staff with direction on these R-Team activities.

**II. PREVIOUS COMMITTEE ACTION**

On July 6, 1994, the Committee recommended that the Board approve R-Team contract concepts to provide technical/professional services for businesses. The Committee also directed staff to develop contracts with the Trade and Commerce Agency and the Business Environmental Assistance Centers (BEAC) to implement the program.

On July 27, 1994, the Board approved the Committee recommendations.

On August 17, 1995, staff presented the Committee with the first update on the status of the R-Team.

**III. OPTIONS FOR THE BOARD**

The Board may:

- a. Accept the Committee's recommendation.
- b. Modify the Committee's recommendation.
- c. Take no action.

#### IV. COMMITTEE RECOMMENDATION

At its April 11, 1996 meeting, the Market Development Committee recommended that the Board:

- a. Identify and target specific businesses for assistance based on RMDZ needs and Board priority materials which can help to meet the 50 percent diversion goals.
- b. Endorse the concept of using R-Team funds for contracting for services to recycling manufacturers, but defer discussion of exact amounts to the Administration Committee to take up in May.
- c. Work with the contractor(s) and RMDZs to provide focused hands-on assistance to the selected businesses.
- d. Extend the time-line, resources, student assistance, and travel for Board R-Team staff with remaining grant funds.

#### V. ANALYSIS

##### R-Team Background:

The Board received a United States Environmental Protection Agency (U.S. EPA) 1994 Jobs Through Recycling Initiative grant to establish the R-Team in California. The Board contracted with Business Environmental Assistance Centers in both Northern and Southern California to provide statewide R-Team business development, technical, financial and marketing assistance to recycling manufacturing businesses. Both BEACs were then affiliated with the Trade and Commerce Agency. Northern BEAC is a cooperative program connected with the University of California Extension at Santa Cruz and the Southern BEAC with Fullerton College in Anaheim. On October 20, 1995, the Board's contract with the Southern California BEAC was terminated. This left a gap in the R-Team's ability to provide services in Southern California and fulfill the terms of the U.S. EPA grant.

On March 6, 1996, the U.S. EPA approved the Board's request to extend the term of the grant to September 30, 1997.

The contract with Northern BEAC expired on March 31, 1996. A no-cost extension through June 30, 1996 is being processed. Northern BEAC has expressed interest in continuing the R-Team partnership through a contract with the Board after that time, pending the availability of additional funds.



The second Progress Report for the period July 1, 1995 to December 31, 1995 was submitted to the U.S. EPA in March 1996. This report identified the need for additional R-Team services in the areas of matching sources of financial assistance with the businesses, packaging financial applications, and assisting clients with business plans and product marketing plans.

**Proposed R-Team Activities:**

Staff proposes several activities to fill the service gaps in Southern California and allow the Board to successfully complete the R-Team project within the extended grant term.

Board staff will identify recycling manufacturing businesses based on RMDZ and Board priority materials, then provide hands-on services to those businesses. These services are proposed to be obtained through one or more contracts to provide full services in both Northern and Southern California. Northern BEAC has expressed interest in a contract with the Board to provide services in Northern California. Services provided by the contractor(s) would extend from July 1, 1996 to September 30, 1997.

In an attempt to better serve the Zones, the Waste Prevention and Market Development Division's Zone Administration Branch developed and distributed a program evaluation survey to the Zone Administrators. The findings indicate the greatest need is for increased business leads. As a result of this information, RMDZ and R-Team staff worked together to scope ideas for fulfilling that need.

Staff proposes using remaining grant funds to contract for the following R-Team services:

- ▶ The R-Team will coordinate activities with the RMDZs to provide the contractor(s) with a list of candidate businesses wishing to expand the use of or convert to the use of recyclable materials. Businesses will be selected based on RMDZ needs, and potential for diversion of Board priority materials.
- ▶ The contractor(s) will then provide hands-on services to those businesses as needed in the areas of business development, financial, permitting and siting, technology, and product marketing assistance. The contractor(s) will provide services to at least 50 specific businesses targeted by the Board in, or wishing to locate in, one of the 40 RMDZs.

- The contractor(s) will work cooperatively with the R-Team, Board RMDZ staff, local RMDZ administrators, business resource agencies, and other interested parties to ensure consistency with ongoing Board efforts and efficient use of local, state and federal resources.

**New 1996 Jobs Through Recycling Opportunity:**

In March 1996, staff submitted a grant application to the US EPA for the 1996 Jobs Through Recycling Program, in partnership with the Community Environmental Council of Santa Barbara and the University of California Extension at Santa Cruz. This proposal was designed to integrate with the other RMDZ and R-Team activities to identify, target, and assist potential recycling manufacturing businesses in four RMDZs with closing military bases. The US EPA expects to select proposals for awarding of grant funding up to \$150,000 in early April 1996.

**Fiscal Impacts:**

Approximately \$250,000 remains in unexpended R-Team funds provided by the U.S. EPA grant. Up to \$170,000 is being proposed for contract(s) for services to businesses, as described above, in Northern and Southern California, from July 1, 1996 to September 30, 1997. Up to \$30,000 is being proposed to fund an extension of the Board's student contract from September 1, 1996 to August 31, 1997. The remainder of the funds will be used by the Board for staff and operation expenses. No Board funds are required.

**VI. ATTACHMENTS N/A**

**VII. APPROVALS**

Prepared by: Joan Martfeld *Joan Martfeld* Phone: 255-2441  
Reviewed by: Ranny Eckstrom *R. Eckstrom* Phone: 255-2440  
Reviewed by: Martha Gildart *Martha Gildart* Phone: 255-2619  
Reviewed by: Daniel Gorfain *Dan Gorfain* Phone: 255-2320  
Legal review/Approval: N/A Date/Time:

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24, 1996

## AGENDA ITEM 44

ITEM: CONSIDERATION OF RECYCLING MARKET DEVELOPMENT ZONE  
PROGRAM EVALUATION REPORT

### I. SUMMARY

In February 1995, the California Integrated Waste Management Board (Board) reached its goal of designating 40 Recycling Market Development Zones (RMDZ). Achieving this milestone signaled the need to review the program's accomplishments to date and set its future direction. In September 1995, the Board's Market Development Committee (MDC) initiated an evaluation of the RMDZ program to identify program needs, recommend program objectives, and set priorities in looking to the year 2000.

As a part of this evaluation, staff surveyed zone administrators, businesses, and economic development professionals to determine how they perceived program performance to date and what they saw as its needs for the future. In all, staff received a total of 81 responses (28 percent return) from the 291 questionnaires sent. Many of those responding identified needs and priorities for the program as it matures and moves into a mode of service for the RMDZs. In addition, the evaluation included the review of previous surveys and other comments received by the Board since the program's inception in 1990.

The report identifies program issues, sets objectives, and presents and evaluates options for meeting these objectives. It recommends courses of actions for increasing program effectiveness and efficiency in delivering services to the RMDZs and to the current and potential recycling business community as the State moves closer to reaching the Integrated Waste Management Act's (AB 939, Stats. 1989, Ch. 1095) goal of 50 percent diversion from landfills by the year 2000.

### II. PREVIOUS COMMITTEE ACTION

On January 19, 1996, staff presented the preliminary Recycling Market Development Zone Program Evaluation Report to the Market Development Committee. At that meeting, staff was directed to revise the report by preparing a more detailed analysis of options and recommendations.

### III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Accept the Committee's recommendation.
2. Modify the Committee's recommendation.
3. Take no action and provide staff with further direction.

### IV. COMMITTEE RECOMMENDATION

At its April 11, 1996 meeting, the Committee recommended that the Board:

- adopt the objectives and recommendations of the RMDZ Evaluation Report, (see redlined summary beginning on page 42) included in Attachment 1, Section V; and
- direct staff to summarize these objectives and recommendations for inclusion in the revised Market Development Plan that will be considered by the Board in July.

### V. ANALYSIS

In preparing this evaluation report, the Board surveyed zone administrators, businesses that had been in contact with the RMDZ program, and economic development professionals. The intent of the surveys was to examine issues relating to future marketing efforts, the effectiveness of the program, satisfaction with the services provided, and suggestions for improvement, as the Board moves to attain the goals of AB 939.

Staff has prepared a detailed evaluation of the options and recommendations for achieving the objectives in the report, and sought input on the report from the other Board divisions and outside stakeholders, including zone administrators. The report was amended to reflect the comments received.

Based on the evaluation of the RMDZ program to date and on the assessment of its role in achieving the Board's 50% diversion goal by the year 2000, the goal of the RMDZ program should be to create strong and sustainable secondary materials-based industries capable of absorbing an estimated 30 million tons of recovered materials each year. To achieve this goal, the Board should direct staff to implement the objectives and recommendations summarized in Section V of the attached report. The analysis of the issues and options for addressing them is included in Section IV of the report.

At its April 11, 1996 meeting, the Market Development Committee considered this item and made some additional modifications to the report recommendations. Those changes are redlined for ease of reading and included in the Section V of the report entitled "Summary of Committee Recommendations".  
attached report.

#### VI. ATTACHMENTS

1. RMDZ Program Evaluation Report

#### VII. APPROVALS

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# **Recycling Market Development Zone**

**Program  
Evaluation**

**April 1996**

STATE OF CALIFORNIA

Pete Wilson  
GOVERNOR

James M. Strock  
Secretary for Environmental Protection  
California Environmental Protection Agency

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Pub# 412-96-031  
Printed On Recycled Paper

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## **I. INTRODUCTION**

In February 1995, the California Integrated Waste Management Board (Board) reached its goal of designating 40 Recycling Market Development Zones (RMDZ). Achieving this milestone signaled the need to review the program's accomplishments to date and set its future direction. In September 1995, the Board's Market Development Committee (MDC) initiated an evaluation of the RMDZ program to identify program needs, recommend program objectives, and set priorities in looking to the year 2000.

As a part of this evaluation, staff surveyed zone administrators, businesses, and economic development professionals to determine how they perceived program performance to date and what they saw as its needs for the future. Of the zone administrators surveyed, 63 percent responded. In addition, 21 percent of businesses surveyed and 25 percent of economic development professionals returned the questionnaires. In all, staff received a total of 81 responses (28 percent return) from the 291 questionnaires sent. Many of those responding identified needs and priorities for the program as it matures and provides greater service for the RMDZs. In addition, the evaluation included the review of previous surveys and other comments received by the Board since the program's inception in 1990.

This report identifies program issues, sets objectives, and presents and evaluates options for meeting these objectives. It recommends courses of actions for increasing program effectiveness and efficiency in delivering services to the RMDZs and to the current and potential recycling business community, as the State moves closer to reaching the Integrated Waste Management Act's goal of 50 percent diversion from landfills by the year 2000.

## **II. PROGRAM REVIEW**

### **A. Program History:**

In response to the concerns leading to the passage of Assembly Bill 939 (Sher, Stats. 1989, Ch. 1095) (AB 939), the State of California established the Recycling Market Development Zone (RMDZ) program. Authorized by Senate Bill 1322 (Bergeson, Stats. 1989, Ch. 1096), the program objective was to create markets for diverted materials by increasing the use of recycled materials as manufacturing feedstock.

This was the first program in the nation to couple established economic development practices with integrated waste management efforts. The program was intended to provide local governments with a useful tool to reduce dependence on diminishing landfill space and to meet the waste diversion goals of AB 939 by working with the private manufacturing sector.

To qualify for RMDZ designation, jurisdictions were required to identify local incentives that they could provide to businesses that manufacture with secondary materials. Some of these local incentives included site selection assistance, tax benefits, permitting assistance, local low interest loan programs, and marketing and business plan assistance.

In exchange for these local commitments to foster recycling-based manufacturers, the Board was to provide technical assistance to both the zone administrators and the businesses requesting this assistance and low interest loans. A trained staff of loan officers from the Board has contributed professional loan and financial advice and assisted the businesses with identifying projects and completing the loan applications. Board staff has underwritten the loans and provided tracking services for loan payments. The Board has offered services to local RMDZ staff such as training, "matchmaking" (linking recycled feedstock suppliers to users), providing technical information, such as the plastics clearinghouse and lists of construction and demolition businesses that use recycled materials, market data on various secondary materials such as paper, plastics, and green waste, and networking opportunities through Board-sponsored workshops.

In March 1991, the Board set out to establish 40 RMDZs by 1996. Because of great interest by local government the Board reached this goal in 1995, a year ahead of schedule. During the first four years of the program, the primary objective of the Board's Zone Program was to recruit and establish these RMDZs. Each year, staff hosted a series of workshops throughout the state explaining the benefits of the program and the application process for designation to interested jurisdictions. Most local staff responsible for AB 939 compliance, commonly the recycling coordinators, were enthusiastically receptive to the idea. Those jurisdictions whose elected officials and executive management were equally supportive were usually successful in establishing an RMDZ to serve their communities.

Staff worked closely with jurisdictions in the development of the RMDZ designation applications. Often, in the case of multi-jurisdictional applications, this involved coordinating the efforts of several local government staffs, consultants, and economic development departments. To provide all local governments with the opportunity to prepare successful RMDZ applications, staff prepared guidebooks on the application process. Staff was also available for extensive consultation with prospective applicants.

As a result of Board and local government staffs' efforts, the 40 designated RMDZs are widely distributed throughout the state, and represent urban and rural jurisdictions alike. Local jurisdictions within the RMDZs include 66 percent of the state's population. As of January 1996, all 40 zones received final designation. Zones retain their zone status for ten years.

In the course of the initial zone designation process, Board staff reviewed each application for completeness and evaluated the applications for the following factors:

1. financial support available to existing businesses or those which might want to relocate within the proposed zone;
2. the adequacy of local funding and organizational structure committed to the proposed zone;
3. the ability of the proposed zone to supply the quantity and quality of feedstock necessary to support the targeted recycling businesses;
4. how the zone would comply with California Environmental Quality Act (CEQA) requirements;
5. the adequacy of existing or planned infrastructure within the proposed zone that will support development of recycling businesses;
6. the potential effectiveness of proposed local incentives to attract commercial development;
7. the adequacy of market development planning within the proposed zone application;
8. the available land and buildings within the proposed zone that would be used to support recycling business development; and
9. remaining regional landfill capacity.

**B. Initial RMDZ Program Objectives:**

During the program's first four years, the objectives of the RMDZ program were to:

1. establish 40 RMDZs by 1996;
2. establish the RMDZ revolving loan program;
3. increase the use of recycled materials by manufacturers located within the RMDZs;

4. attract new recycling-based businesses to California to site within the RMDZs;
5. develop a network of recycling economic development professionals;
6. provide technical assistance to the RMDZs.

**C. Attainment of Program Objectives to Date:**

**1. Establish 40 Recycling Market Development Zones by 1996.**

In response to its recruitment efforts and due to high local government interest and demand for the program, the Board reached its 40 zone goal in 1995, one year ahead of schedule. The Board designated 40 zones through a competitive process in four cycles. In 1992, the Board designated 12 RMDZs, followed by 5 in 1993, and 12 in 1994. In February 1995, during the fourth cycle, the Board designated the last 11 RMDZs. Today, 225 local jurisdictions, including 66 percent of the state's population, are participants in the Board's RMDZ program.<sup>1</sup>

Because the Board has reached its goal of establishing 40 RMDZs, the option left for jurisdictions wishing to participate in the RMDZ program is to find a neighboring RMDZ willing to expand. In anticipation of the resulting increased interest in RMDZ expansions, staff revised the RMDZ redesignation regulations to be clearer and easier to follow, and have written a "user friendly" guide for the jurisdictions to follow while pursuing RMDZ expansions. As of January 1996, 3 zones have expanded to include 11 additional jurisdictions. Zone Program staff is working with 11 more zones on future expansions.

**2. Establish the RMDZ revolving loan program.**

The Board established its revolving loan program as a valued part of the RMDZ program. In 1990, Senate Bill 2310 (Bergeson, stats. 1990, ch. 1543) authorized the Board to make low interest loans to both local governments for infrastructure development and to businesses located in RMDZs using recycled materials in their manufacturing processes. Since FY 1991-92, the state has funded the Loan Program by allocating \$5 million annually from the Integrated Waste Management Account (IWMA). The Board approved the first loans in the second quarter of 1993. As of January 31, 1996, the Board had approved 53 loans, committing \$20.9 million to the increased use of recycled materials by manufacturers. Of these 53 approved loans, 42 loans, totaling \$16.3 million, have been closed.

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<sup>1</sup>This approximation is larger than the actual population of the total areas served because the zones' boundaries do not always follow county or city jurisdiction boundaries.

The RMDZ Loan Program leverages private money by requiring at least 50 percent of total project cost to be obtained from other sources. The Board's *Recycling Market Development Zone Loan Program Evaluation*, May 1995, reported an average of \$1.22 of private investment for every \$1.00 of state funds invested.

**3. Increase the use of recycled materials by manufacturers within the RMDZs.**

An estimated 1.5 million tons per year are being added to the state's recycling-based manufacturing capacity as a result of the 42 loans the Board has made. In addition to the results of direct lending, there are significant increases in the use of recycled materials by other manufacturers due to the Board's and local staffs' efforts. Board and local staff provide businesses with a variety of services, ranging from identifying available incentives to information on how to find feedstock. Of the zone administrators surveyed who reported increases in use of recycled materials, 26% reported an increase in excess of 40,000 tons per year (39% of RMDZs responding to the survey were designated in 1995, and thus have not yet had time to fully implement the program locally).

Because of the RMDZ program, economic development and waste management professionals are working together throughout the state. Increased use of recycled material resulted from the leveraging that occurs because of the RMDZ program: local economic development officers are becoming aware of local waste management efforts. For example, in Merced County, there are regular meetings between the Solid Waste Department's Recycling Coordinator and staff from the Economic Development Corporation, a linkage that did not exist before the RMDZ program. One zone administrator who works out of an economic development office, remarked: "[The RMDZ program] keeps us asking the 'Do you recycle?' question of our prospects."

**4. Attract new businesses to California to site within the RMDZs.**

The RMDZ program has stimulated the siting of new businesses in California. In addition to the Board's low interest loans, RMDZs offer a variety of local incentives, including permitting and site selection assistance and employee training. To increase the attractiveness of the RMDZs to businesses, staff worked with utilities throughout the state to provide rate concessions similar to those offered in California's enterprise zones. Now California's three major utilities, Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison, offer utility rate discounts over three years to new businesses siting in the RMDZs they serve. Three companies received incentives from the Southern California Edison Company, and two additional companies are interested in pursuing them. Two companies have shown interest in the incentives provided by San Diego Gas & Electric Company. No companies have applied for the Pacific Gas & Electric discount rates.

In responses to the Program Evaluation Survey, zone administrators indicated that they are working with more than 200 new and new-to-California businesses each year. They also indicated that they are working with an additional 200 existing businesses seeking to expand their use of recycled materials as feedstock. Although not all of these businesses may site in an RMDZ, desire a low interest loan, or become significant producers of recycled-content products, this represents a significant step in the direction of a sustainable, secondary materials economy in California.

**5. Develop a network of recycling economic development professionals.**

Beginning in 1992, the Board has sponsored a series of recycling economic development training classes for local government and Board staff who now comprise the core of a network of recycling economic development professionals. These classes have brought together, for the first time, a large number of economic development and solid waste management professionals. Many of these individuals later became the local zone administrators when their jurisdictions became designated as RMDZs.

In June 1994, the Board assisted in the formation of an association of RMDZs, similar to the California Association of Enterprise Zones. In April 1995, at a Board-sponsored RMDZ conference, the zone administrators voted to elect a board of directors and officially launch the independent California Association of Recycling Market Development Zones (CARMDZ). The CARMDZ's mission is to facilitate information sharing among the zone administrators and to provide a mechanism for the zone administrators to speak with a unified voice when addressing the Board, the Legislature, and the public.

**6. Provide technical assistance to the RMDZs and RMDZ businesses.**

Technical assistance provided by staff has ranged from helping RMDZs with the preparation of their initial applications to finding feedstock for RMDZ businesses and meeting with businesses to explain the benefits of the RMDZ program. Staff linked businesses needing professional advice with Board staff who can provide expertise in fields like plastic recycling. The RMDZ staff, in conjunction with the R-Team, assembled "green teams" of identified professionals at the Board and in other organizations who can meet with businesses to help them with issues such as contacts for feedstock, permitting, laboratory testing of products, and product specifications. Staff acted as primary contact for the zone administrators, providing any information requested, often referring the zone administrator to additional sources of information. The Board provided regular workshops and training sessions for the zone administrators in the areas of integrated waste management, economic development, and marketing.

RMDZs with established economic development programs often required less assistance from the Board than those operated without the input from experienced economic development professionals. One of the primary points of focus for this evaluation is: how can the Board provide better service to the zone administrators, learn from experienced and successful zone administrators, and transfer these skills to new zone administrators or administrators who have not had the advantage of economic development training in the past?

#### **D. Program Accomplishments**

Although the initial primary focus of the program was to establish the 40 RMDZs, the Board has also been actively involved in other RMDZ activities. In addition to the administrative activities involved in developing the program and evaluating and approving zone designation applications, the following are some of the highlights of the Board's accomplishments:

- publication of the: *RMDZ Application Handbook*; and the *RMDZ Expansion Handbook*;
- design and publication of a quarterly RMDZ newsletter;
- development of two editions of the: *Zone Administrators' Handbook*;
- publication of fact sheets featuring each of the 40 RMDZs;
- publication of a program description handbook: *40 Opportunities for Businesses to Prosper in California*;
- development of an RMDZ display booth for trade shows made entirely from recycled products;
- promotion of the program by making presentations to groups like the California Business Incubation Network;
- participation in trade shows, such as: *Westpack '95*, where more than 500 packaging industry-related businesses exhibited and where potential business contacts were made;
- development of guidelines for business plans and working with businesses to assist them with business plan development;
- development and distribution of a brochure on the RMDZ program;
- preparation of a *Business Resource Guide* for the Board, zone administrators, and businesses in coordination with the R-Team;

- organization of four workshops for zone administrators since July 1994, and assistance with the provision of training for the zone administrators;
- sponsorship of a project with the Center for Manufacturing Excellence to identify and describe typical recycling-based businesses throughout the country: *Recycled Feedstock: Company Case Studies*;
- assistance to the Envirosave Project in the Shasta Metro RMDZ to help inventors and entrepreneurs bring recycled product ideas to market while focusing on the needs of communities in rural California to create environmentally appropriate and sustainable economic development.

Highlights of the many and varied zone accomplishments are included in the list below. This partial list of activities was selected for its diversity. In fact, the creativity of local zone administrators and the support of the local elected officials, the business community, and state and federal agencies, is reflected in the great diversity of the projects highlighted.

- The Oakland/Berkeley RMDZ was the subject of a feature article in the February 1995 issue of *Biocycle Magazine*.
- The Placer County RMDZ is in the process of creating California's first recycling industrial park.
- In conjunction with the Community Environmental Council, the Mojave RMDZ produced the pamphlet: *40 Recycling Business Opportunities*, which describes and evaluates the market risks and potential of 40 products made from secondary materials.
- In the Long Beach RMDZ, Jacobson Plastics, formerly a producer of extruded plastic products using only virgin materials, has been approved for an RMDZ loan after being identified for potential conversion from the use of virgin feedstock to recycled feedstock through outreach efforts of the Community Environmental Council. This business conversion research project was funded by a grant from the USEPA.
- The Central Coast RMDZ conducted a workshop targeting the tourist industry and the agricultural sector to use recycled products manufactured in the coastal area and elsewhere in California; the zone administrator is actively working with composters to expand operations, especially targeting agricultural uses of compost.



- The North San Diego County RMDZ has developed an integrated outreach program by identifying existing businesses using Standard Industrial Classification (SIC) codes, telephone, business license information, and local real estate broker data, conducting business workshops and expos, designing a brochure to promote the zone, and sponsoring a trade show.
- Several zones have developed their own newsletters to promote the zones and inform businesses, waste management and economic development professionals, elected officials, and the public about zone advantages.
- The Shasta Metro RMDZ has produced a successful strategy to develop small recycling businesses suitable for a more rural setting: ones which require a small capital investment, use a small volume of recycled materials, and produce high value-added products.
- The RMDZ program in Siskiyou County assisted a landfill operator to find a local market for cardboard by diverting this material to the E-Z Lite Log Company in Yreka, thus averting landfilling this material because of the falling prices of cardboard.
- The Kaiser/San Bernardino RMDZ completed an economic development and wastestream analysis software package to assist with its marketing and outreach efforts.

These highlights illustrate the diversity and range of program activities throughout the state which have resulted from the Board's RMDZ program efforts to encourage business development and an increase in markets for products made from secondary materials produced in California. Zone administrators have also learned from each other what activities work and what procedures or approaches are not effective.

The Board has been instrumental in helping to disseminate project information and ideas to all RMDZs. The 29 RMDZs that received up to \$25,000 in one-time AB 1220 funds for market outreach will report to the Board on their projects by May 1996. The Board will distribute the information gained through the marketing efforts made possible through these state funds, thus further leveraging the project funds.

### **E. State and National Recognition**

The Board has received national recognition for its pioneering influence with this revolutionary waste management and economic development program. In January 1995, Renew America, a national non-profit organization composed of prestigious businesses and community-based organizations, recognized the RMDZ program at its award ceremony in Washington, D.C., by awarding the Board and the RMDZ program a National Award for Environmental Sustainability. This year the RMDZ program was selected by Renew America and the National Awards Council for Environmental Sustainability for inclusion in the Environmental Success Index, a database, available to communities on the World Wide Web<sup>2</sup>, which describes successful environmental programs.

Other states such as Alaska and Rhode Island have expressed an interest in duplicating the RMDZ program. The state of Texas has passed enabling legislation to copy various aspects of the program and is intending to build a similar program of waste management and economic development.

At least one RMDZ has received statewide recognition for its accomplishments. The California Association for Local Economic Development (CALED) selected the Oakland/Berkeley RMDZ as a 1994 Award of Excellence winner, for producing tangible economic results with an environmental business development strategy. It was chosen out of a field of 24 applicants throughout California.

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<sup>2</sup>The World Wide Web address is: [http://solstice.crest.org/renew\\_america](http://solstice.crest.org/renew_america).

### III. PROGRAM EVALUATION BY RMDZ STAKEHOLDERS

Having reached the 40 RMDZ designation goal, the Board now recognizes that there is a need to evaluate, modify and expand its services to both zone administrators and businesses. To identify needed services, the Board has consistently solicited input from zone administrators.

In preparing this evaluation report, the Board surveyed zone administrators, businesses that had been in contact with the RMDZ program, and economic development professionals. These surveys, along with an analysis of the results, are included in Appendices B, C, and D, respectively. Appendix E contains comparisons of the results of the three surveys. The intent of the surveys was to query these primary program "stakeholder" or "customer" groups about the effectiveness of the program, satisfaction with the services provided, and suggestions for improvement.

The surveys also examined issues related to future marketing efforts such as the importance businesses place on specific factors when selecting a potential site. This aspect of the surveys yielded important insights. For example, viewpoints of economic development professionals and businesses differ with regard to the importance of local incentives and loan and grant programs in retention, attraction, and siting decisions for businesses. The economic development professionals rated local loan and grant programs as the most important factor in siting businesses. The businesses, however, rated them as some of the least important factors. Instead, the businesses judged access to markets and raw material supply as the two most important factors. Other comparisons between the results of the three surveys are found in Appendix E.

These surveys were also a good source of information about "customer satisfaction." Respondents indicated the highest level of satisfaction with:

- a. staff responsiveness;
- b. information provided on recycled materials; and
- c. referrals to other sources of assistance.

Respondents indicated the lowest level of satisfaction with:

- a. permitting assistance;
- b. siting assistance; and
- c. product marketing assistance.

Overall, businesses were less satisfied with the program than either the zone administrators or the economic development professionals. Indeed, the most critical comments received were about the credit and collateral requirements of the RMDZ Loan Program, which were perceived by many to be too onerous and unreasonable. Of the 42 surveys returned by businesses, 15 had received loans, 1 business has a loan pending, 3 had withdrawn their applications, and 3 had been denied loans by the Board. Twenty-two of the 42 businesses returning surveys had contact with the Board's Loan Program.

The surveys also provided information on the program needs as perceived by the zone administrators. The principal areas of need for program assistance identified by the zone administrators include:

1. increased Board funding for local administration of the RMDZ program;
2. statewide provision for training for zone administrators in the areas of economic development and integrated waste management;
3. marketing assistance to the RMDZs by marketing the program statewide, nationally, and internationally;
4. additional statewide incentives for businesses to site in an RMDZ;
5. improvements in the Loan Program by making it more flexible, in order to address the needs of start-up companies as well as established firms;
6. increased cooperation between the RMDZ program and other economic development programs;
7. regional Board representatives to the RMDZs; and,
8. more technical assistance in the evaluation of emerging technologies, business development, and analysis of secondary materials recycled-content products markets.

The future direction of the Zone Program and program issues were discussed at the Zone Administrators' Workshop held in October 1995 in Sacramento. During that workshop, zone administrators stressed the need to develop statewide incentive programs in addition to the low interest loan program. According to some of the zone administrators, many local incentives other than the loan program are highly significant in attracting businesses to the zones.

#### IV. ANALYSIS OF OBJECTIVES AND ISSUES FACING THE RMDZ PROGRAM IN 1996/1997

Based on the evaluation of the RMDZ program to date and on the assessment of its role in achieving the Board's 50% diversion goal by the year 2000, the goal of the RMDZ program for the next two to three years should be to create, in California, strong and sustainable secondary materials-based industries, capable of absorbing an estimated 30 million tons of recovered materials each year. This is the total amount estimated by the Board to be necessary to achieve the 50% diversion rate by the year 2000.

To achieve this goal, the Board must take a focused, pro-active approach, which seeks to identify businesses and business opportunities for "getting to 50 percent." This includes implementing an aggressive marketing strategy which sets the agenda for targeting candidate businesses, and pursuing them by offering the services they need to be able to feasibly use recycled materials in manufacturing and marketing recycled-content products.

Toward this end, it is recommended that the Board set the following objectives and adopt the recommended actions for achieving them. These objectives and recommended actions are based on, and are intended to address the issues raised in the course of the Board's evaluation of the RMDZ program, including surveys to the zone administrators, recycling-based businesses and other members of the recycling and economic development community. The objectives are not listed here in specific order of importance; however, the first three: extension of the loan program, increasing awareness of the program, and technical assistance to zones and businesses, and the last: securing adequate funding for the program, should be emphasized to ensure the success of the program.

Objective A: *Ensure the extension of the RMDZ Loan Program through the year 2005 in accordance with the Board's May 1995 recommendations to the Legislature, including authorization to participate in CalCAP.*

##### Issues:

1. The RMDZ Loan Program is scheduled to sunset on July 1, 1997.
2. Annual allocations from the IWMA to the RMDZ Loan Subaccount may be insufficient to meet loan demand over the next ten years.

## Analysis:

The RMDZ Loan Program is a key element of the RMDZ program and is one of the most visible tools the Board has to attract businesses. However, under current law, the RMDZ Loan Program will sunset on July 1, 1997, three years before local governments must meet the 50 percent waste diversion goal. RMDZs, which retain their designation for ten years, will lose one of the state's principal tools for recycling market development when the RMDZ Loan Program sunsets.

Many zone administrators regard the RMDZ loans to be the program's strongest incentive. Even if a business receives many other services from a zone, such as siting or feedstock assistance, and even if it does not apply for a loan, it often is attracted to the RMDZ program through knowledge of the existence of the loan program.

There is a significant demand for RMDZ loans. Zone administrators have expressed considerable concern about the potential loss of the Loan Program. Without it, some zone administrators expect to find it difficult to maintain local support for the RMDZ program.

Recognizing the importance of the RMDZ Loan Program and its significance as a business expansion, attraction, and retention incentive, in May 1995, the Board forwarded to the Legislature its recommendations for the extension of the Loan Program. The recommendations contained in its report entitled, *Recycling Market Development Zone Loan Program Evaluation*, are:

1. Extend the RMDZ Loan Program sunset date from July 1, 1997, to July 1, 2006.
2. Extend funding for the Loan Program by continuing the annual transfer of \$5 million from the Integrated Waste Management Account (IWMA) until July 1, 2000.
3. Continue the Recycling Market Development Revolving Loan Sub-account beyond the year 2000, based on an analysis of the IWMA fund condition and Board program needs.
4. Authorize the Board to participate in a pilot program with the California Capital Access Program (CalCAP), administered by the California Pollution Control Financing Authority, for an amount not to exceed \$500,000. Require the Board to evaluate its participation in the program and report its findings to the Legislature by March 31, 1999.

The Board's recommendations are being considered by the Legislature this year in SB 1535, Killea. Extension of the RMDZ Loan Program is currently one of the objectives of the California Association of Recycling market Development Zones.

### Recommendations:

1. The Board should continue to work to secure the extension of the RMDZ loan program, consistent with its May 1995 recommendations, including seeking the ability to leverage its funds by enabling it to participate in CalCAP.
2. The Board should continue to consider other leveraging mechanisms to increase the amount of loan funds available to it.

**Objective B:**       *Increase awareness of the RMDZ program and the development of recycling-based businesses in the zones.*

### Issues:

1. The business communities within RMDZs and elsewhere in California and the nation, as a whole, have little awareness of the RMDZ program.
2. The Board has no clear, statewide strategy for marketing the RMDZ program or for targeting businesses which could expand or convert to the use of recycled feedstock within RMDZs or which could be attracted to the zones.
3. Many RMDZs have limited financial and other resources to effectively market their zones especially outside their immediate boundaries and to target businesses they might be able to assist.

### Analysis:

During the first stages of individual zone development, local administrators looked for existing manufacturing businesses that already used secondary materials and encouraged them to expand, or administrators found businesses that could convert to using recycled instead of virgin materials. Now, as the zones are maturing, they must expand their search and look outside their boundaries to other parts of California, the nation and beyond. This broader marketing effort is expensive, and few zones have the resources to address such marketing needs. If marketing efforts are to be intensified within the zones and expanded beyond the zones the Board should assume a lead role.

Some zones have used outreach programs, using Standard Industrial Classification (SIC) code to identify businesses to target. Oakland/Berkeley RMDZ has used the SIC code as a basis from which to develop a business contact database.

In a project funded by the USEPA, the Community Environmental Council used SIC codes to identify and target businesses in the Ventura and Long Beach RMDZs that might be ready for conversion from using virgin materials to using secondary materials in their manufacturing processes. The Community Environmental Council's study identified 81 manufacturers in Ventura County and 47 manufacturers in the City of Long Beach interested in the expansion of or conversion to the use of recycled feedstock. The identification of the target businesses in these two RMDZs, using an SIC based survey, required approximately \$20,000 to complete.

The Kaiser/San Bernardino RMDZ used the SIC code in designing a computerized, integrated marketing tool. The successes of these programs provide a foundation upon which to build a methodology that could be used by all the RMDZs and to build a program by which the Board could assist the RMDZs with outreach.

Over the past 18 months, the Board has advertised the RMDZ program widely, particularly through national business development publications, spending approximately \$80,000 of AB 1220 funds set aside for advertising. Working with the University Media Services Department, California State University, Sacramento, the Board developed a new advertisement to target businesses and inform them about the advantages of the RMDZ program in California. Staff has received many inquiries from potential businesses because of the advertisement. The advertisement is being placed in a wide range of publications, including *Plants Sites & Parks* and *Hemisphere*. As an outcome of this advertising campaign, the Board has received 14 potential leads that staff are working with at this time. Additional advertising is planned for this year.

Even after the marketing activities made possible by this one-time AB 1220 allocation, most mainstream businesses, inside and outside of the RMDZs, remain unaware of the program's existence or the incentives it offers. It takes considerable repetition over time to establish an identity for a program and to promote a response through print advertising. As an illustration, at the recent Westpack '95 national packaging exposition, staff met with representatives of more than one hundred manufacturers, most of whom are located in California. More than forty of these businesses are currently using recycled materials in their manufacturing processes and seven of these are located in RMDZs, yet none was aware of the RMDZ program.

Specific marketing assistance requested by zone administrators has included promotional materials such as brochures and table top displays, national mail-outs and advertising, an Internet home page and electronic bulletin board. Most of the zone administrators surveyed stated that limitations of local resources contributed to the need for the Board to generate or assist with generating business leads. In addition, it may be more cost-effective for one entity to represent the RMDZs, especially for statewide or national advertising.



In order to effectively increase awareness of the RMDZ program and thereby increase the recruitment of businesses the Board could develop a comprehensive marketing strategy which targets specific businesses or business sectors. This strategy could target businesses, trade associations and business service providers such as lenders and accountants. Many of the zone administrators have indicated that they have already targeted the recycling businesses known to them. Now that these "easy ones" have all been contacted, it will take a more aggressive outreach program to find and recruit businesses for the RMDZs.

The marketing strategy being developed by staff will contain an analysis of the industry sectors involved with each priority material. This analysis should point the outreach efforts toward the industry sectors which have the greatest potential for achieving the RMDZ program objectives. The tools used to target these businesses could include business surveys using SIC data or manufacturers association databases, direct mail, articles placed in targeted industrial newsletters and publications, as well as, use of advertising and attendance at trade shows.

The businesses most likely to take advantage of the RMDZ program are those already located in RMDZs. The next likely targets would be businesses near the zones that are looking to expand their operations to new sites. Probably the least likely businesses to use the RMDZ program, but the most desirable to many RMDZs, would be businesses wishing to relocate and move to California. To use most effectively the limited resources available to the Board, the marketing strategy should target, in order of priority, businesses within the RMDZs, businesses throughout the state and businesses throughout the United States and other countries.

#### Recommendations:

1. This Spring, the Board should consider, adopt and begin implementation of a marketing strategy for the RMDZ program that makes efficient use of limited funds and maximizes the leveraging of outside resources to inform the manufacturing community about the benefits offered. This strategy should be directed: first, at the zones and their surrounding communities; second, at the rest of California; and third, at other states and countries.

The focus of the marketing strategy should be to aggressively identify candidate manufacturers who could benefit from the RMDZ program and who could best assist local governments in reaching their diversion mandates under AB 939.

Toward this end, the Board should work pro-actively with the zones to target and establish one-on-one working relationships with interested businesses, to assist those businesses in expanding or converting to the use of recycled feedstock and/or locating within the zones, while making maximum use of all available RMDZ services and benefits.

**Objective C:** *Provide the zone administrators and recycling-based manufacturers with direct "hands-on" technical assistance regarding siting decisions and regulatory compliance, feedstock information, business planning and development assistance, financing resources, manufacturing technologies, and marketing assistance for recycled-content products.*

**Issues:**

1. The expertise of Board staff and zone administrators to provide this range of services which prospective client businesses consider essential, vary greatly from one staff person to another and from zone to zone.
2. Individual zones have vastly different and often limited financial resources available to them.
3. Consistent and up-to-date business and technical information is not readily available for use by the Board and by the RMDZs.
4. Zone administrators look to the Board for assistance in evaluating recycling technologies presented to them by prospective businesses.
5. There is a need for greater cooperation and networking between the RMDZ program and other economic development programs.

**Analysis:**

Both Board and local zone staff have diverse backgrounds. A recent survey of zone administrators found their backgrounds to be evenly divided between economic development and solid waste management. Most Board staff have backgrounds in waste management or economic development. It is unusual to find either Board or local staff well versed in both waste management and economic development, yet the demands of the program necessitate that both Board and local staff become knowledgeable in these fields. (See the analysis of Objective D for further discussion of the training needs of Board and local staff.)

In some cases, funding that existed when the program was initiated at the local level no longer exists to cover outreach and administrative expenses; local priorities have shifted and the stress on city and county budgets has worsened.

The variety of RMDZ resources makes developing assistance programs with universal application more difficult. What works in an urban zone may not work in a rural zone. Rural RMDZs with fewer resources at their disposal often welcome more 'hands-on' assistance from the Board. Urban RMDZs with a more established economic development service network more often desire the Board's assistance only with specific program or waste management issues. Some zones overlap with Enterprize Zones and can tap into the business development resources offered by this economic development program. Some counties and cities have their own loan or grant programs available. Others have, as the only funding option for businesses, the Board's low-interest Loan Program.

#### Needed Services

The zone administrators responding to the survey indicated that both urban and rural zones and the businesses located within them can benefit from the Board's ability to provide a comprehensive range of technical assistance. This assistance would consist of a variety of specialized "hands-on" services, including:

- market information,
- technology evaluation,
- recycled feedstock identification,
- coordination with other economic development programs and agencies,
- assistance with securing economic development incentives,
- business planning,
- product marketing support,
- siting and permit assistance,
- financing assistance, and
- business waste audits.

#### Resource Identification

The Board could survey existing staff resources, at the Board and local level, to determine expertise which can be made available to Board and local staff as needed. Where needed expertise is required, particularly in business development and marketing, outside consultants could be retained for assistance in the near-term, while Board staff and zone administrators were being trained for future needs.

To identify the resources available to staff and businesses, Board staff has been preparing a *Business Resource Guide* which will summarize information on business, technical, and regulatory issues and resources available in California. This guide will be useful for staff training, as well. Systematizing information that has been provided in the past will ensure zone administrators and businesses have access to the same information.

### Commodity Specific Information

Staff of the Board's Waste Prevention and Market Development Division are researching and will be publishing quarterly statewide market reports on the Board's priority materials: mixed waste paper, compostable materials, high density polyethylene and mixed plastics. These reports will include information on the quantity, quality, and prices of commonly recycled materials. These reports will be sent to the zone administrators starting this spring.

Further, under current waste management regulation, jurisdictions are required to report on their diversion programs. As the Board's Diversion, Planning and Local Assistance Division (DP&LA) collects this information on local diversion programs, reports providing more regionalized information on potential feedstock may become available for use by the RMDZs and their manufacturers.

DP&LA is also developing a new waste characterization method which will include characterization by SIC group. This should provide additional information for zone administrators and businesses on potential feedstock.

The Board's working commodity groups are studying all aspects of secondary materials collection and use for the following commodities: tires, compost, construction and demolition debris, paper, and plastics. These groups have developed fact sheets on products and processes that both businesses and zone administrators find useful. However, not all Board staff, zone administrators, or economic development officers working with the RMDZs are fully aware of these resources. Efforts should be made to inform the zone administrators when the Board publishes tools that can be of use to them.

There is also some information on product availability and pricing through the Chicago Board of Trade Recyclables Exchange. Due to the newness of the program, the information available through it is limited. Currently most activity is in the Midwest and on the East Coast, but staff anticipate more widespread use of this resource in the coming years.

### Leveraging Resources

Having Board staff work cooperatively with other economic development programs and agencies, such as the Trade and Commerce Agency, California Association for Local Economic Development (CALED), and The California Business Incubation Network, on recycling economic development projects would further leverage the RMDZ program. Although Board RMDZ staff work with economic development professionals on an individual

basis, there is currently no coordination between the RMDZ program and other statewide public and private economic development organizations (such as the Trade and Commerce Agency and CALED). This is due, in part, to the newness of the RMDZ program, and to the fact that the Board has not traditionally worked with these organizations.

The lack of working relationships with these organizations has resulted in lost opportunities to provide technical assistance to the RMDZs and their businesses. In addition, business leads and information which could help attract recycling-based businesses to the RMDZs have not been available on a consistent basis.

The Board's RMDZ staff is currently working to improve this situation, and to increase the Board's ties with other economic development programs. These efforts will be addressed in the development of the Board's *RMDZ Marketing Strategy* and in the update of the Board's *Market Development Plan*. Current plans for improving cooperation and networking include holding regional meetings with each of the local Small Business Development Centers and the zone administrators in their service areas. Some zone administrators currently participate in regional economic development discussion groups, Board staff will assist zone administrators in developing similar discussion groups throughout the State.

#### Delivering the services

Testimony by some zone administrators at the Board's January 1996, Market Development Committee indicated that the R-Team approach of on-call assistance has been effective. The Board needs to further refine the internal coordination between the R-Team and other Board programs and better publicize the support that can be given.

The Board could develop procedures to provide consistent and thorough responses by its staff to inquiries from zone administrators and businesses. This would ensure that each zone or business is treated fairly. The Board should work to ensure that all zones receive needed tools with which to conduct business.

Historically, the Board has provided individual services whenever requests were received from zones and businesses. The Board could now undertake efforts to develop more aggressive strategies for addressing rural and urban recycling economic development issues. These strategies would be formed with input from the RMDZs and would address training needs, dedicated staffing levels (i.e., number of RMDZs assigned to each Board RMDZ staff), specialized reference materials, and greater coordination with staff from other divisions and agencies. The goal of this strategy would be to empower zone administrators with the tools needed to successfully develop their RMDZs, not for the Board to take over the local zone administration. The risk associated with this activity might be to give the impression that the Board is rewarding jurisdictions which provide reduced resources to their RMDZs with additional Board resources.

To address the differences in local RMDZ activities, sharing case studies of successful zones with all the zones would be helpful. Developing case studies to provide guidance would initially require Board and zone administrators' time; but, in the long run it would save time for both.

The services to businesses could be provided by Board staff, local staff or an outside consultant. In the near term, an outside consultant would likely be better able to provide some of the needed services while Board and local RMDZ staff are trained to better provide them in the future.

### Recommendations:

1. The Board should inventory the expertise of its staff and that of the zone staffs, and make a listing of expertise available to provide for mutual assistance.
2. The Board should secure outside consultant services to supplement Board and zone staff expertise in areas such as business plan development and product marketing assistance, while seeking to supplement and train staff to minimize the need for consultant services in the long-run. These contracts, which would provide direct services to RMDZ businesses on an as needed basis, could be partially funded out of the R-Team monies. R-Team contracts of this nature are being considered at the Board's April 1996, Administration Committee meeting.
3. The Board should continue to establish itself as a leader in developing, providing and evaluating information about recycled feedstock, secondary materials and recycled-content product market conditions, and recycling technologies. This should include publication of the quarterly market reports, lists of brokers and processors, and commodity fact sheets as well as the development of data bases on recycled content products and waste processing technologies.
4. The Board should share information and increase the effectiveness of and support for the RMDZ program, zone administrators. Staff should compile, publish, and disseminate case studies of successful RMDZ program efforts to all zones and other interested parties, such as local officials, economic development professionals, and lenders.
5. The Board should encourage its staff and assist the zones to develop working relationships with other state economic development programs to leverage their resources. Suggested programs to consult with include CALED, the Trade and Commerce Agency, the Business Environmental Assistance Center, and various chambers of commerce in the RMDZs, and other small business service providers.

**Objective D:**      *Fund ongoing training of Board and zone staff to enable them to provide needed information and technical assistance to client businesses.*

**Issues:**

1.      Zone administrators and Board staff have diverse educational and professional backgrounds.
2.      Zones have very limited resources to fund training activities, especially in light of the breadth of training required, staff turnover, and program changes encountered over time.
3.      The Board should define its role and responsibility for sponsoring and/or approving training in the zone and loan program areas.

**Analysis:**

**Training needs**

A recent survey of zone administrators found them to be almost evenly divided into two groups: those with economic development backgrounds and those with solid waste backgrounds. In addition, there has been significant turnover among the zone administrators, leading to on-going training needs for zone staff. Zone administrators have indicated that it is very difficult for them to receive training funded through local jurisdictions' budgets.

The Board's RMDZ staff also comes from a variety of professional backgrounds. During the administrative phase of the program, writing regulations and reviewing zone designation applications were the skills most needed for programmatic success; economic development expertise was not as important to enable staff to be effective in the RMDZ program.

Now, with the program's focus shifting to economic development of recycling-based manufacturing throughout the state, it is imperative that both Board and local staff develop marketing, business and other technical assistance skills. Without this expertise, it will be difficult to provide the needed business development assistance the RMDZs often require. The lack of training in economic development can be especially limiting when staff is working with a zone administrator who needs training in a similar subject.

**Previous training efforts**

The Board has already committed considerable resources to training zone administrators. Starting in 1991, the Board offered a series of four week-long classes in economic development finance. The series was attended by approximately 75 local government

representatives. This training program, provided by the National Development Council, was funded at a cost of \$80,000. Each participant who successfully completed this series of four classes received an "Economic Development Professional" certification. Additionally, staff has provided limited training in integrated waste management and economic development at workshops for the zone administrators.

Although the classes were given high marks by the participants, of the 75 local government participants, only four successfully completed the certificate program. The attendees attributed this high drop-out rate to the length of the classes, and to the high costs of lodging and travel associated with attending the classes. Staff has determined that, to ensure attendance of the zone administrators, any additional Board-funded training should be regional and not exceed a maximum of two days.

#### Current training commitments

On October 24, 1995, the Board approved \$90,000 from the RMDZ Loan Sub Account (LSA) for training of Board and zone staff. It also directed Board staff to develop a concept for providing a level of ongoing support for the zones. In approving this expenditure, the Board allocated the funds as follows:

- \$10,000 for Board staff training to improve credit analysis and loan origination;
- \$15,000 for standardized Loan Program administration training for all local zone staffs; and
- \$65,000 for Board-approved optional training for local zone staffs that have taken either the standardized training or the economic development finance training the Board provided in previous years.

The Board has contracted with The Training Source, a business outreach arm of Los Rios Community College District, to provide the economic development finance/loan origination training for zone administrators and Board staff. This training is scheduled to begin in mid-March 1996 with three regional, two-day training sessions. Board staff is currently working to organize regional one-day solid waste training classes to be offered in mid-April 1996.

Board staff is also seeking an interagency agreement to expend the \$65,000 for optional training for local zone staffs that have taken the standardized training described above. The Board is developing procedures for the zone administrators to submit individual training requests for training that will promote loan origination efforts, such as participation in seminars, and other special educational classes, and workshops of their choice. The Board should complete the interagency agreement by April 30, 1996.



In fiscal year 1994-1995, the Board contracted with the State EDP Education Program to provide an extensive series of marketing classes for Board staff. To build on this staff training, the Board has entered into an interagency agreement with the Training Resource Center in San Diego to provide the \$10,000 from the LSA (see above) for the advanced training in credit analysis and loan origination and \$12,000 from the Board's training funds for economic development finance, business credit analysis, and real estate finance. For the coming fiscal year, additional training is under consideration to improve the Board's and local zone staffs' negotiating abilities and to have successful zone administrators present the planning and marketing strategies that have attracted and retained successful businesses in their zones.

#### Future training

The Board should develop an ongoing, comprehensive training program to give Board and local zone staff the skills they need to be successful and to ensure the quality of loan packages submitted to the Board. The program should provide training to bring participants to an acceptable knowledge level in both economic development and integrated waste management. This program would provide initial and on-going training for Board and local zone staff in:

- business plan development
- market plan development and product promotion
- credit analysis
- integrated waste management
- recycling manufacturing technologies, and
- new and emerging technologies.

Training should be provided on an ongoing basis to address developing technologies, changing markets, and staff turnover. After the initial phase of the training has taken place, an additional assessment will be made of the zone administrators and Board staff training needs and an additional training program will be proposed prior to the next fiscal year.

There are several options for funding the zone-related training program. The Board could fund training for Board staff and rely on each zone to fund its own staff. This could result in zone administrators in well funded zones receiving training, and others not receiving it. If the Board funded the training for Board and all local RMDZ staff, it would insure a standardized level of competency in the needed fields, and ensure quality loan origination efforts. The Board could require some matching of funds, even a modest amount, which could constitute a demonstration of local zone commitment to the program.

### Recommendations:

1. In light of limited zone resources, and the diversity and breadth of training required, the need for ongoing training, and the desirability of a common denominator in certain subject areas, the Board should continue to sponsor and/or approve specific training courses for Board and zone staff. Training should be conducted on a basis that offers the best economy of scale.
2. The cost of training of zone staff by the Board, should be approved in advance and reimbursed to the zones, for completed courses, within specified dollar limits and a minimum required local match of at least 5%.

**Objective E:** *Investigate and implement feasible new incentives to provide zone administrators with additional tools to assist, attract and retain recycling businesses.*

### Issues:

1. Incentives to businesses now offered by some RMDZs, or by enterprise, redevelopment, economic, or other types of zones, could substantially enhance the ability of the RMDZs to attract or retain recycling businesses.
2. California competes for business development in the national and international markets. Such incentives could enhance California's competitiveness in these markets.

### Analysis:

The RMDZs, and all of California's jurisdictions, compete for business development in national and international markets. To increase the RMDZs' competitive edge, the zone administrators have repeatedly stated the need for additional incentives, including tax credits for recycling-based manufacturers, and more management, marketing, and technical assistance for businesses.

The first step in increasing the competitiveness of the RMDZs is to analyze the strengths and weaknesses of the competition. Gathering information from other states and from other state and local agencies on incentive systems that work is an important first step in providing a framework for considering additional incentives to attract and retain businesses. To accomplish this staff could conduct a telephone survey of other states to identify incentives offered throughout the nation. In addition, recycling publications have articles analyzing these incentives. By examining these publications, staff could conduct a literature search for suggestions for incentives. After this analysis of available incentives, staff could report back to the Market Development Committee with additional recommendations on incentives to pursue.

Staff could also work with other state agencies involved in economic development and permitting to design business assistance information packets. The strength of this proposal is that business outreach efforts would be coordinated, and businesses would become aware of more resources available to them. Staff would also spend less time "reinventing the wheel," and coordinating with other state and local agencies could leverage awareness of the RMDZ program. It should be noted that some state economic development offices are focussed on large companies, not small, recycling-based manufacturing operations, and may not wish to spend time assisting Board staff with smaller companies.

#### Tax Credits

Giving an extra edge to businesses through tax credit programs is a possible inducement for businesses. However, the value of the incentive depends on the design of the tax credit program. If the credits cannot be rolled over to future years, and if a start-up business has little or no profit in the first few years of activities, which is often the case, then the tax credit program may not be a strong incentive. In addition, California recently enacted legislation to give all businesses, including recycling businesses substantial tax credits.

The Board's Recycling Equipment Tax Credit Program ended on January 1, 1994. The Board's report to the legislature determined that, while tax credits had a positive effect in attracting economic development in California, modifications to the program could greatly increase a program's effectiveness. For example, many of the applicants were not aware of the credit at the time of purchase. Also, those that took advantage of it were in sectors that already had developed markets. The major users were asphalt/concrete recyclers and steel/metal recyclers. Experience has shown it is profitable to recycle these secondary materials without special incentives. The credit was, therefore, a windfall for these types of businesses and not an incentive to purchase recycling equipment for manufacturing. In addition, many small businesses lease equipment; the tax credit was limited to owners who operate the equipment so those leasing equipment could not benefit from it. Finally, manufacturers and processors of certain containers designed for reuse were not eligible for the tax credit.

If a tax credit program were designed to overcome these shortfalls and be available for specific secondary materials markets, such as, the Board's targeted materials, then such a program would likely stimulate increased recycling and encourage economic development within the state. However, due to the unpredictability of legislative changes, any incentives requiring legislation, might take years to materialize and therefore could not be counted on until they actually signed into law.

### Other Incentives

There may be additional incentives already available to the RMDZs, which are not being utilized. Some zones overlap with Enterprise Zones or may be in regions served by other special programs such as the California Economic Revitalization Team. Increased cooperation with other economic development programs and agencies would help identify these available incentives and would be of little or no cost to the Board. The increased cooperation with other economic development programs is also discussed in the analysis of Objective C.

Incentives such as management and assistance in identifying potential businesses and markets for products could be provided through a variety of means. Management assistance would include direct consultation with recycling-based businesses to develop marketing plans and assist with other management decisions. Board staff is currently proposing a contract for fiscal year 1996-97 to provide management and marketing assistance to recycling-based businesses situated within RMDZs. Hiring contractors for this type of business assistance is also discussed in the analysis of Objective C.

### Recommendations:

1. Direct staff to investigate the feasibility of business incentives offered throughout the country and return, by June 30, 1996, with recommendations regarding their feasibility and steps required for implementation in the RMDZs.

**Objective F:**      *Develop a zone & loan program reporting system at the Board and in the zones, to track business contacts and other zone activities such as, materials diverted, jobs created, technical assistance services, and resources expended.*

### Issues:

1. It is difficult to obtain timely and accurate information on program results and program needs.

### Analysis:

In order to better track the successes of the RMDZ program and to test the effectiveness of particular activities, such as Board outreach efforts or Board allocation to individual zones, the Board needs more information on zone outreach efforts, business assistance activity, economic development and diversion accomplishments. The same information that would help the Board with program administration would also be beneficial to local staff as they refine their local programs and seek continued local and legislative support for their activities. Information on successful local programs could be shared with other zones to help improve the performance of the overall program.

The zone administrators do not work directly for the Board, and are, therefore, not directly accountable to it. This primarily affects the ability of the Board to acquire the reporting capability it needs to set and achieve specific quantifiable objectives, such as developing aggregate figures for the zones on the tonnage diverted, businesses assisted, and jobs created statewide, and it affects the ability of the Board to report to the Legislature on the success of the program.

A zone administrator is required by regulation to report the names and addresses of recycling businesses in the zone and the types and amounts of postconsumer waste materials used as feedstock by the recycling businesses in the zone. The report is due at the Board annually on the anniversary of the zone's final designation. However, there are no legislatively mandated penalties for not reporting this information.

Some RMDZs, especially those administered by an economic development officer, provide more specific and extensive data to the Board. Economic development programs traditionally report to their elected officials the number of businesses served, attracted, expanded, and retained. It is a relatively simple matter to extend this data to include the tons diverted and jobs created by these businesses. However, RMDZs administered by solid waste departments are not usually accustomed to collecting and reporting this type of information.

The Board has developed an annual report template format to make the responses as easy as possible for the zones. However, some zones are behind in their reporting and not all zones use the format developed by the Board, making the data difficult to aggregate. Also, businesses are not required to report diversion through manufacturing with secondary materials to the Board or to local zone administrators. Therefore, if the zone administrator does report the information on recycling businesses, there is no assurance that they have identified the complete universe of recycling-based industries. Some businesses do not like to be identified with making products with secondary materials, and would balk at being included in such data.

The Board could retain an outside consultant to collect this data. However, an outside consultant would likely face the same difficulties staff do in collecting information. Having staff work with the zone administrators to develop a more satisfactory reporting process will likely improve the working relationships between the zone administrators and the Board. In order to promote the use of this enhanced reporting process, it should be developed with the zone administrators to address their reporting needs as well as the Board's. To enhance cooperation, it may even be possible to provide some specific incentive, such as funding, to RMDZs that provide a certain set of data (see discussion under Objective H).

Another option is to revise the zone regulations to require more extensive reporting. Due to the competing duties already facing the zone administrators, changes in regulations to "force" the issue of reporting might not result in better reporting unless there was some significant penalty for non-compliance. This could result in a more adversarial relationship between the zone administrators and the Board.

### Recommendations:

1. To provide for more complete and consistent information about program activities and future program needs, the Board should work with the zones to develop and institute a uniform business and administrative tracking and reporting system, such as ACT! (a contact management software) and other appropriate fiscal record-keeping systems. The use of such systems, when developed, should be required of the zones by the Board as a condition of financial support (One option for providing financial incentives for reporting is discussed in the analysis of Objective H, Option 4.).

Information, required to be supplied semi-annually by the zones, should include the number of businesses contacted, type of assistance offered, responses, and results. The information compiled would be reported to the Board and to the zones semi-annually.

**Objective G:**        *Limit Board consideration of Zone expansions to those which clearly demonstrate a commitment to furthering the Program's economic development objectives.*

### Issues:

1. Having reached its 40 zone objective, should the Board's limited staff resources directed at assisting the designated zones be diluted by processing zone expansions?

### Analysis:

Although the Board will not be designating new RMDZs, local jurisdictions continue to call for information about joining RMDZs already designated. The development and review of these expansion applications (technically 'redesignation applications') require significant Board staff time. Board staff expects to bring to the Board approximately five redesignation applications each calendar year. The Board has already approved 3 expansions, and is currently working on 11 active RMDZ expansions. In addition, staff responds to frequent inquiries from jurisdictions about inclusion in RMDZs. Even if these jurisdictions choose not to join an RMDZ, it takes staff time to meet with representatives, educate them about the program, and inform them about the expansion process.

Although there will continue to be only 40 zones, adding additional jurisdictions within those zones will result in additional staff time being needed to provide an adequate level of service to the zones. For this reason, there is the possibility that too many additional jurisdictions could negatively impact the success of the program.

To alleviate the problems resulting from zone expansions, the Board could decide to not grant any expansions for a two year period. This would free staff from the requirement of reviewing the expansion applications and instead, more staff time could be dedicated to servicing the zones. Zone expansions, however, contribute to the growth of the state's recycling industry and allow for an increase in geographic areas available for siting new facilities. They expand the pool of qualified borrowers and projects for the RMDZ Loan Program. In addition, the Board is taking a proactive position toward creating business development in the decommissioned military bases. Some of these bases are not in RMDZs. If the Board ceases to allow zone expansions, then options to locate in a military base by a business may not be able to be considered.

Some of the jurisdictions now wishing to join a particular RMDZ were originally part of the zone's application and supported the zone at the time of application but were not ready to participate. Several applications stated that the RMDZ would be expanding later to include these jurisdictions.

As an alternative to ceasing expansions, the Board could direct staff to perform more critical analysis of expansion applications to ensure that the expansion will provide a definite benefit to the RMDZ. For example, if the jurisdiction has no zoned industrial land, staff would question what they can bring in terms of potential sites for a recycling-based business to the zone. This issue is somewhat self-correcting, however, because any new jurisdictions must convince the city councils or boards of supervisors of the existing jurisdictions to support the expansion. To convince these decision-makers, the new jurisdictions usually have to make some specific commitments of support for the program. These commitments typically include specific resources such as staff, or an annual allocation of funds.

#### **Recommendations:**

1. The Board should direct staff to work to ensure that redesignation applications brought to it for consideration clearly demonstrate how the proposed expansion will serve to further the objectives of the RMDZ program, including the applicant's commitment to support zone activities and to actively pursue recycling economic development.

**Objective H:**

*Secure adequate and sustained funding for the RMDZ program and ensure that the Zone and Loan Programs are implemented efficiently by the zones at the local level.*

**Issues:**

1. There are increasing demands for Board support of the RMDZ Program, especially at the local level, where funding for many RMDZs is inadequate.

**Analysis:**

To date, primary funding for the RMDZ program has come from the Integrated Waste Management Account (IWMA), including its RMDZ Loan Sub-Account (LSA). The LSA is funded through a \$5 million annual allocation from the IWMA for direct lending and other loan program administration costs. This allocation will terminate on July 1, 1997, unless extended by the legislature.

Program activities funded by the IWMA and LSA to date have included outreach efforts, technical assistance to zones and businesses (this includes: business development, marketing, financing & technology assessment, and loan origination, packaging, underwriting, processing and servicing), training of Board and zone staffs, reviewing zone designation and expansion applications, and overall program administration.

Periodic funding has also been available from other sources, such as the one-time allocation through AB 1220 and the R-Team grant from the USEPA. The one-time allocation from AB 1220 provided up to \$25,000 to the 29 RMDZs in existence in June 1994, for outreach and marketing. The R-Team grant has also funded some outreach activities and other RMDZ program support.

Looking ahead to the year 2000, it is anticipated that program funding will need to be considered particularly in the following areas:

- implementing the marketing strategy (Objective B),
- providing the enhanced services to the zones and businesses (Objective C),
- providing training for staff and zone administrators (Objective D),
- implementing a program tracking and reporting system (Objective F),

Future program funding could come from the IWMA, LSA, grants from the federal government, foundations and/or other private organizations, or from special legislative appropriations.



There are limitations to the use of LSA funds for RMDZ activities. Board legal staff have advised that LSA monies, according to statute, are to be used solely for the purposes of making loans to entities within zones and for administrative costs directly related to the operation of the loan program. Utilization of the monies for other zone activities is not within the stated parameters of the RMDZ revolving loan program's statutory provisions

In addition, existing law requires that annual allocations from the IWMA to the LSA will be repaid with interest upon termination of the loan program. For that reason, expenditures of LSA dollars for purposes other than direct lending, should be kept to a minimum in order to maximize the ability of the Board to repay the IWMA.

The innovative nature of this program may attract grant funds, but there are no guarantees of long-term funding from such sources. Also, in light of the uncertainty of the State Budget, it is unlikely that sustained state appropriations can be counted on over time.

In this Zone Program Evaluation process, zone administrators identified increased Board support to the zones, as a principal need for the successful implementation of the RMDZ program at the local level. The key issue for the Board at this point is to define its role and responsibility vis-a-vis the zones and what assistance it should provide to the zones, to best carry out overall program objectives.

The concern most commonly expressed by the zone administrators, in responses to our survey, was that funding at the local level is inadequate. They have requested that the Board provide additional funding for tasks such as business recruitment, screening for potential loan candidates, training, and technical assistance to businesses, all of which are identified as major components of the proposed objectives.

The discussion and recommendations below consider the key Board options for providing the zones with additional resources needed for the broad range of RMDZ program activities.

In its future consideration of providing financial assistance to the zones, the Board may:

- 1. Continue and expand support to the zones by providing staff assistance and services, such as business siting and feedstock identification, technical assistance in the areas of business development, marketing, training and the production, printing and mailing of marketing and other materials.**

The Board could contract for consultant services and make them available to all the zones on an as needed basis. This could be patterned after the Loan Program's current Financial Technical Assistance Contract. (Providing enhanced services to the zones is also discussed in the analysis of Objective C).

Pro

- Board staff could continue to provide and expand and improve services to the zones, as needed.
- The Board could maintain better control and provide consultant services of a higher and more uniform quality than individual zones.
- This approach would enable the Board to provide better accountability for program activities and for the expenditure of scarce funds.

Con

- Some Board-provided service providers may not be as familiar with special local situations as locally hired consultants.
- Zones may not have sufficient funds for additional local staffing.

- 2. Provide funding assistance to the RMDZs for the full range of zone activities. Zones would be reimbursed for specific accomplishments, agreed upon in advance by the Board and the zones, up to a specified amount per year, paid out of the IWMA or LSA, as appropriate.**

Under this option, each zone would be required to submit a proposed plan of action to be approved by the Board. The plans would specify cost for activities and accomplishments that could be reimbursed to the zones, the zones' responsibilities in carrying out the plans, and reporting requirements for reimbursements.

Pro

- This would provide local funding for a broad range of RMDZ activities with specific amounts earmarked for specific activities.
- Plans would be established to meet specific needs of specific zones within the Board's overall program objectives.
- This would provide justification for the zone administrators to spend more time working on RMDZ program activities.

Con

- This may require additional resources to administer, and ensure performance and compliance by the 40 zones, which are somewhat autonomous and whose administrators are not directly accountable to the Board.
- It could result in fragmented implementation of a statewide program, and a less than optimal use of limited funds.

- Funding provided out of the LSA would reduce funds available for lending to businesses.

3. **Provide incentives to the RMDZs, that are intended to increase loan production.**

- a. **Provide funding assistance to the RMDZs through the IWMA, or through the LSA, for recruitment of loan candidates and packaging of loan applications. The reimbursement of up to \$1,000 per zone per quarter on an hourly basis has been suggested, for a maximum of \$160,000 per year statewide.**

To be meaningful, such reimbursement should be made for closed loans and would occur several months after the recruitment activity has occurred. Moreover, the uncertainty that a particular loan will close, could reduce the incentive value to the zone administrator. An incentive program would likely require regulations to provide clear criteria for qualification for the incentives and to allow the affected parties to comment, as well as to develop a "reasonable basis" argument for the Board in the event of litigation.

**Pro**

- The RMDZs would have an additional funding source to help support loan generation activities.
- This may serve as a catalyst for the zone administrators to spend more time working with the Loan Program.
- This would ensure that funding from the Board is used for RMDZ loan generation activities

**Con**

- It may take 6-12 months for needed regulations to be in place and will require substantial staff efforts on the part of a small zone staff to prepare.
- Fees can only be given under specific circumstances. A March 1995 Attorney General's opinion states that the "finder's fee" is limited to those who merely introduce one party to another and do nothing more; a "finder" cannot engage in any negotiation with regard to a loan. Therefore, there is substantial doubt that finder's fees could be paid by the Board to the zones.

- Zones with existing resources would be more likely to receive Board funding than those without resources, creating greater disparity among the zones.
  - This amount may be too small to serve as a catalyst for most zones. The amount which may be required to make this allocation meaningful to most zones, small and large, urban and rural, having one or multiple jurisdictions, may have to be larger, such as several thousand dollars per quarter.
  - As testified by several zone administrators, much of their activity in attracting recycling based businesses to their zones centers on incentives and services other than the loan program, thus limiting the value of this incentive as a catalyst for loan generation for some zones.
  - An inter-agency agreement with each zone may be required to implement this proposal. Administration of 40 inter-agency agreements would require significant Board staff resources.
  - Situations where Board and zone staff disagree over the viability of a particular loan, could lead to an adversarial relationship between Board and zone staff, thus adversely affecting zone and Board relations.
- b. **Provide a "finder's fee," paid out of loan 'points,' for each RMDZ-generated loan closed. To be consistent with private industry, such fees would have to be 3-5% of the loan value.**

An incentive program would likely require regulations to provide clear criteria for qualification for the incentives and to allow the affected parties to comment, as well as to develop a "reasonable basis" argument for the Board in the event of litigation.

**Pro**

- This fee would directly link the incentive with the desired result: closed loans.
- The RMDZs would have an additional funding source.
- This could serve as a catalyst and provide for the zone administrators to spend more time working with the Loan Program.

- This would help provide justification for local efforts toward loan origination by providing direct compensation for successful loan closures.

#### Con

- It may take 6-12 months for regulations to be in place and will require substantial staff efforts on the part of a small zone staff to prepare.
- Fees can only be given under specific circumstances. A March 1995 Attorney General's opinion states that the "finder's fee" is limited to those who merely introduce one party to another and do nothing more; a "finder" cannot engage in any negotiation with regard to a loan. There is, thus, substantial doubt that finder's fees could be paid by the Board to the zones.
- A finder's fee could create a conflict between the Board's fiduciary responsibility to reduce credit risk and a RMDZ's interest in collecting the finder's fee for its efforts, leading to an adversarial relationship between the Board and the zones.

**c. Enter into a contract with the California Association of Recycling Market Development Zones (CARMDZ) or similar organization, to provide for reimbursement to individual zones for specific, Board approved RMDZ activities.**

The Board could develop a "menu" of approved, RMDZ activities, for which reimbursement would be determined by the CARMDZ. The fund could be set up to provide reimbursement on a first-come-first-served basis up to a maximum of \$6,000 per zone, or \$240,000 statewide. Based on the Board's experience with the AB 1220 contracts it is expected that not all zones will fully utilize their share. It is expected that the amount needed would be around 75 to 80% of the total, or \$180,000 to \$192,000.

If this were funded from the LSA, the activities would be limited, by statute, to "loan administration" activities. Based on the zone administrator survey and discussions with the zone administrators, zone administrators spend a substantial amount of time on recycling business development that is not directly loan-related, such as siting and permitting assistance. Funding this option through the IWMA would provide for more flexibility of use.

#### Pro

- The RMDZs would have an additional funding source.

- This would eliminate the need for 40 inter-agency agreements or contracts.
- The Board would be able to more easily monitor and administer expenditure of funds through one contractor, ensuring the funds are used for RMDZ activities.
- The first-come-first-served approach would encourage the zones to initiate the activity early on, when it will be most beneficial to the program, rather than waiting until the last possible moment that invoices can be submitted.
- Administrative overhead charges payable to the CARMDZ would provide a source of funding for the organization.
- This would provide the Board with additional information about RMDZ activities.

Con

- Active, well-funded zones would be more apt to submit invoices for approved activities, thereby perpetuating the funding disparity between zones.
- Providing reimbursement on a first-come-first-served basis would not guarantee a zone reimbursement for an approved activity. (The zone could, however, inquire into the state of the fund before initiating a billable activity.)
- The CARMDZ is not currently staffed or funded for administering this type of contract.

4. **Provide incentives to the RMDZs to encourage increased reporting of RMDZ activities. This could be in the form of a modest stipend, from the IWMA to RMDZs who submit to the Board a semi-annual report which includes specified information.**

Pro

- Provides support to RMDZs who meet minimum reporting requirements. This funding could be used for purposes other than loan administration, such as documenting and quantifying success and tracking expenditures.
- Setting a modest, maximum, limit would provide valuable information on a consistent semi-annual basis and could cover the cost of maintaining and reporting such information.

Con

- There are already significant demands on the IWMA.
- An incentive program would likely require regulations to provide clear criteria for qualification for the incentives and to allow the affected parties to comment, as well as to develop a "reasonable basis" argument for the Board in the event of litigation. It may take 6-12 months for such regulations to be in place and will require substantial staff efforts on the part of a small zone staff to prepare.
- Essential information should be reported by the zones as a part of their obligation in being designated RMDZs and the support they now receive from the Board without special financial reimbursements.

**5. Seek overall program funding, including zone assistance funding, from federal or private sources.**

Pro

- Since this is an innovative, unique program with strong environmental and economic development implications, outside funding might possibly be obtained.
- Funding obtained through grants could be provided to the zones without competing with other Board programs and priorities.

Con

- Considerable staff resources will have to be expended to identify and pursue opportunities for grants or other funding sources with no guarantee of success.
- It is doubtful that grant funding could be sustained over several years.
- Efforts this year by a Board-funded contractor to find grants for recycling-based businesses were not successful.

**6. Assist RMDZs that do not have adequate local funding with developing budget packages justifying their programs at the local level or with moving the RMDZ program to a another local agency willing and able to commit sufficient funding.**

Board staff could provide zone administrators with information which could be used to justify local budget allocations. Also, it could be suggested to some jurisdictions that local administration of the zone program could be moved from an inadequately funded agency to a more adequately funded local agency, such as from a public works office to an economic development office.

Pro

- This proposal works within the local budget structure and therefore would get buy-in from the local managers and elected officials.
- It places some of the planning burden on the Board to provide the local RMDZs with program justification and avoids the need to "reinvent the wheel" in each local jurisdiction.

Con

- A local reorganization of the RMDZ program may require the affected RMDZ to apply for redesignation (14 CCR, section 17914) .
- In the case of the need to reorganize locally, one office or agency may not want to give up the function even if it would mean a stronger performance.
- Board assistance with local budgeting packages might be viewed as interference in the local budget and decision making process.
- Considerable Board staff time could be spent dealing with local issues and politics rather than helping zone administrators develop businesses.

**Recommendations:**

1. The Board should consider appropriate financial support for the RMDZ program at the State and zone levels as a part of its annual budget process.
2. To maximize the amount of capital available for loans, the Board should minimize paying for loan program administrative costs from the LSA. The Board should, in addition, adopt a policy that, when demand for loan funds exceeds the available supply, it shall avoid paying for any and all costs from the Loan Subaccount for activities other than directly funding loans.
3. The Board should continue to fund and provide services which can be utilized by all the zones, including business siting and feedstock identification, technical assistance in the areas of business development, marketing, training and the production, printing and mailing of marketing and other materials. These services would be provided annually based on available funding, as determined by the Board.
4. The Board should assist the zones to develop and utilize project and cost tracking and reporting systems to document program performance and success. It should provide a stipend to zones which comply with the Board's tracking and reporting requirements.



5. To help provide adequate and sustained program funding, the Board should actively seek to obtain federal funds and other financial support to supplement the zones' and the Board's program resources.
6. The Board should assist the zones to seek increased local funding, by providing them with information about the program's potential local benefits.
7. The Board should provide direction regarding the establishment of financial incentives for the zones.

## V. SUMMARY OF COMMITTEE RECOMMENDATIONS

A primary goal of the Recycling Market Development Zone Program is to generate \$10 million in initial loan applications and approximately \$3 million in closed loans per quarter, or \$40 million in applications and \$12 million in closed loans per year. This is a preliminary goal subject to ratification or modification when staff brings forward the RMDZ marketing strategy.

**Objective A:** *Ensure the extension of the RMDZ Loan Program through the year 2005 in accordance with the Board's May 1995 recommendations to the Legislature, including authorization to participate in CalCAP.*

### Recommendations:

1. The Board should continue to work to secure the extension of the RMDZ loan program, consistent with its May 1995 recommendations, including seeking the ability to leverage its funds by enabling it to participate in CalCAP.
2. The Board should continue to consider other leveraging mechanisms to increase the amount of loan funds available to it.

**Objective B:** *Increase awareness of the RMDZ program and the development of recycling-based businesses in the zones.*

### Recommendations:

1. This Spring, the Board should consider, adopt and begin implementation of a marketing strategy for the RMDZ program that makes efficient use of limited funds and maximizes the leveraging of outside resources to inform the manufacturing community about the benefits offered. This strategy should be directed: first, at the zones and their surrounding communities; second, at the rest of California; and third, at other states and countries.

The focus of the marketing strategy should be to aggressively identify candidate manufacturers who could benefit from the RMDZ program and who could best assist local governments in reaching their diversion mandates under AB 939.

Toward this end, the Board should work pro-actively with the zones to target and establish one-on-one working relationships with interested businesses, to assist those businesses in expanding or converting to the use of recycled feedstock and/or locating within the zones, while making maximum use of all available RMDZ services and benefits.

2. Staff is directed to also include the provision of general promotional materials as part of the strategy.
3. Staff is directed to prepare recommendations on what can be done at the State level to assist recycling businesses through the local and State permitting processes.
4. Staff is directed to evaluate and compare the program's credit and collateral requirements with other State and commercial lending programs and report back to the Committee at the nearest possible date.
5. Staff is directed to review and report back on potential modifications that could be made to the program to encourage smaller start-up businesses.

**Objective C:** *Provide the zone administrators and recycling-based manufacturers with direct "hands-on" technical assistance regarding siting decisions and regulatory compliance, feedstock information, business planning and development assistance, financing resources, manufacturing technologies, and marketing assistance for recycled-content products.*

**Recommendations:**

1. The Board should inventory the expertise of its staff and that of the zone staffs, and make a listing of expertise available to provide for mutual assistance.
2. The Board should secure outside consultant services to supplement Board and zone staff expertise in areas such as business plan development and product marketing assistance, while seeking to supplement and train staff to minimize the need for consultant services in the long-run. These contracts, which would provide direct services to RMDZ businesses on an as needed basis, could be partially funded out of the R-Team monies. R-Team contracts of this nature are being considered at the Board's May Administration Committee meeting. Staff is directed to consider -- in the scheduled May Administration Committee item on R-Team contracts -- the feasibility of using only R-Team funds for implementation of the marketing strategy.

3. The Board should continue to establish itself as a leader in developing, providing and evaluating information about recycled feedstock, secondary materials and recycled-content product market conditions, and recycling technologies. This should include the publication of quarterly market reports.
4. The Board should share information and increase the effectiveness of and support for the RMDZ program, zone administrators. Staff should compile, publish, and disseminate case studies of successful RMDZ program efforts to all zones and other interested parties, such as local officials, economic development professionals, and lenders. Staff is directed to structure case studies so that they address specific questions and needs of the targeted audiences.
5. The Board should encourage its staff and assist the zones to develop working relationships with other state economic development programs to leverage their resources. Suggested programs to consult with include CALED, the Trade and Commerce Agency, the Business Environmental Assistance Center, and various chambers of commerce in the RMDZs, and other small business service providers. Staff is also directed to coordinate with additional entities such as the Small Business Administration Districts and Branches and Certified Development Companies.
6. Staff is directed to recognize differences in Zone needs and work with individual Zone Administrators to provide appropriate services.

**Objective D:** *Fund ongoing training of Board and zone staff to enable them to provide needed information and technical assistance to client businesses.*

**Recommendations:**

1. In light of limited zone resources, and the diversity and breadth of training required, the need for ongoing training, and the desirability of a common denominator in certain subject areas, the Board should continue to sponsor and/or approve specific training courses for Board and zone staff. Training should be conducted on a basis that offers the best economy of scale. Staff is directed to include all future training requests as part of the Board's Training Budget; this should include consideration not only of training for Board staff, but also for Zone Administrators.

2. The cost of training of zone staff by the Board, should be approved in advance and reimbursed to the zones, for completed courses, within specified dollar limits and a minimum required local match of at least 5%, either in cash or in-kind services.

**Objective E:** *Investigate and implement feasible new incentives to provide zone administrators with additional tools to assist, attract and retain recycling businesses.*

**Recommendations:**

1. Direct staff to investigate the feasibility of business incentives offered throughout the country and return later this year with recommendations regarding their feasibility and steps required for implementation in the RMDZs.

**Objective F:** *Develop a zone & loan program reporting system at the Board and in the zones, to track business contacts and other zone activities such as, materials diverted, jobs created, technical assistance services, and resources expended.*

**Recommendations:**

1. To provide for more complete and consistent information about program activities and future program needs, the Board should work with the zones to develop and institute a uniform business and administrative tracking and reporting system, such as ACT! (a contact management software) and other appropriate fiscal record-keeping systems. The use of such systems, when developed, should be required of the zones by the Board as a condition of financial support (One option for providing financial incentives for reporting is discussed in the analysis of Objective H, Option 4.).

Information, required to be supplied semi-annually by the zones, should include the number of businesses contacted, type of assistance offered, responses, and results. The information compiled would be reported to the Board and to the zones semi-annually.

Staff is directed to work with the CARMDZ to determine the feasibility of developing and implementing a standardized reporting system, with both computer and manual versions, without provision of financial incentives by the Board. The computer version should have a "fill-in-the-blanks" option available in a standard software program such as Excel.

Staff is directed to include additional parameters such as jobs retained or created and tons diverted as part of any reporting system.

Objective G: [deleted]

Objective H: *Secure adequate and sustained funding for the RMDZ program and ensure that the Zone and Loan Programs are implemented efficiently by the zones at the local level.*

Recommendations:

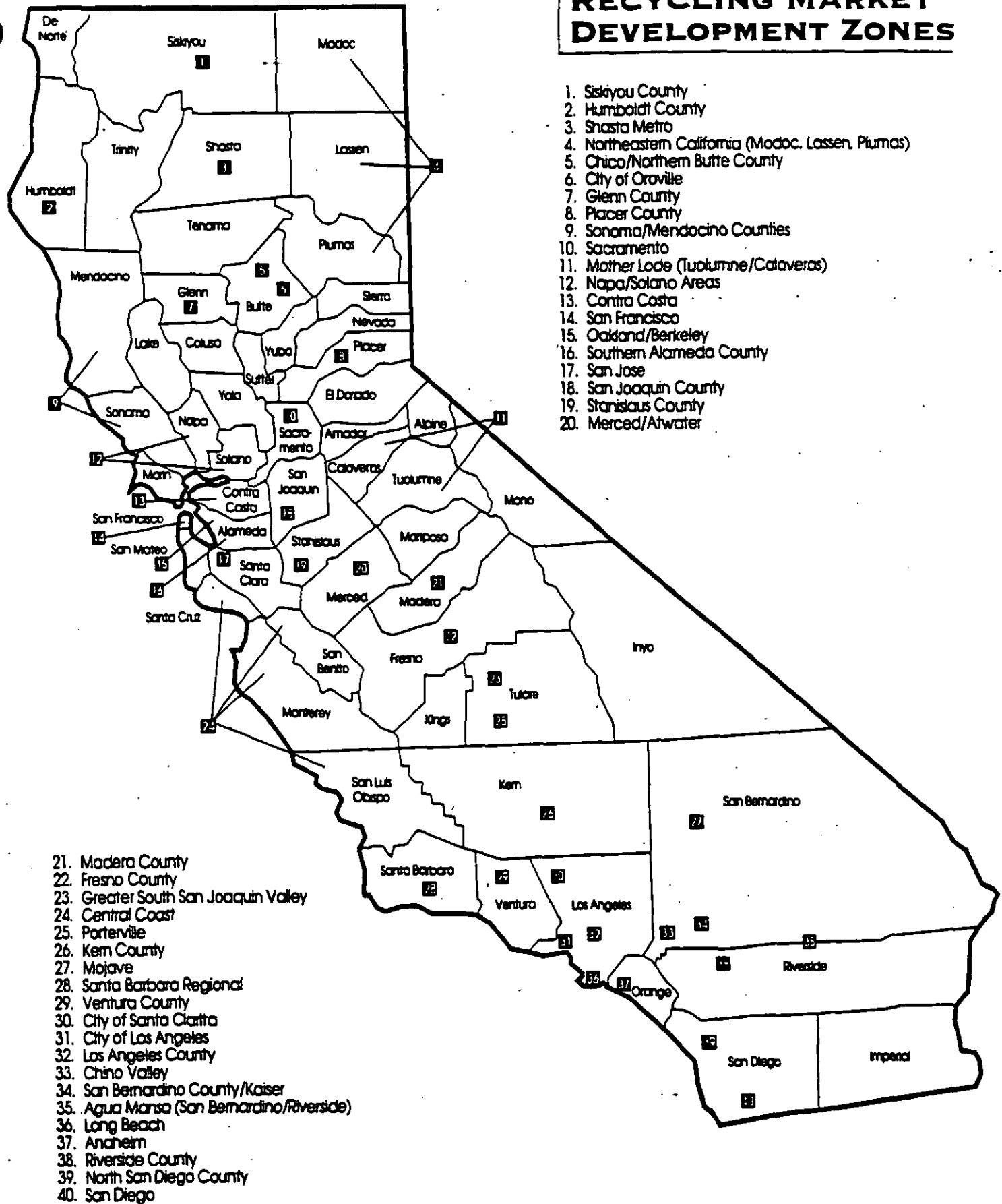
1. The Board should consider appropriate financial support for the RMDZ program at the State and zone levels as a part of its annual budget process.
2. To maximize the amount of capital available for loans, the Board should minimize paying for loan program administrative costs from the LSA. The Board should, in addition, adopt a policy that, when demand for loan funds exceeds the available supply, it shall avoid paying for any and all costs from the Loan Subaccount for activities other than directly funding loans. Staff is directed to provide the Committee with information on Board administrative costs allocated in the RMDZ Loan Sub-Account and on procedures for making this allocation.
3. [deleted]
4. [deleted]
5. To help provide adequate and sustained program funding, the Board should actively seek to obtain federal funds and other financial support to supplement the zones' and the Board's program resources.
6. The Board should assist the zones to seek increased local funding, by providing them with information about the program's potential local benefits.
7. The Board should continue to evaluate options regarding the establishment of financial incentives for the zones.

Staff is directed to summarize these policies for inclusion in the revised Market Development Plan that will be considered by the Board in July.

APPENDIX A

MAP OF CALIFORNIA SHOWING THE LOCATION OF THE 40 RMDZs

# CALIFORNIA'S RECYCLING MARKET DEVELOPMENT ZONES





## APPENDIX B

### SURVEY TO ZONE ADMINISTRATORS AND RESULTS

#### Table of contents

Zone Administrators survey form

Zone Administrators survey results  
(Questions: 2,4,5,6,7,8,9,10,15,16,17,18,19,20)

Zone Administrators survey results  
(Questions: 3,11,12,13,14)

Bar chart results (Questions: 3,11,12,13,14)

# Recycling Market Development Zone Program

## Survey of Zone Administrators

1. Organization Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone ( ) \_\_\_\_\_

2. How many recycling-based manufacturers do you assist each year? (Please check all that apply.)

☐ New # \_\_\_\_\_  
☐ Expanded # \_\_\_\_\_  
☐ Retained # \_\_\_\_\_  
☐ Attracted # \_\_\_\_\_  
☐ Other \_\_\_\_\_ # \_\_\_\_\_

3. If you have provided assistance to recycling based manufacturers, on a scale 1-5 (5 being most frequent) please indicate the frequency of the following types of assistance provided:

Needs were handled by local resources	1	2	3	4	5
Referred to the RMDZ loan program	1	2	3	4	5
Referred to the RMDZ for other assistance	1	2	3	4	5
Business development plans were created	1	2	3	4	5
Requested local or other government guaranteed loans	1	2	3	4	5
Businesses received environmental assistance	1	2	3	4	5
Other: _____					

4. What type of recycled products are produced in your Zone?

<input type="checkbox"/> Paper products	<input type="checkbox"/> Paint and/or solvents
<input type="checkbox"/> Printing & writing products	<input type="checkbox"/> Building & Construction
<input type="checkbox"/> Solids (e.g., road base, concrete, etc.)	<input type="checkbox"/> Metal products
<input type="checkbox"/> Plastic products (pellets)	<input type="checkbox"/> Retreaded Tires
<input type="checkbox"/> Plastic products (finished products)	<input type="checkbox"/> Tire-derived products
<input type="checkbox"/> Compost/Mulch	<input type="checkbox"/> Furniture
<input type="checkbox"/> Glass products	<input type="checkbox"/> Clothing
<input type="checkbox"/> Automotive products (e.g., antifreeze, oil)	<input type="checkbox"/> Fire logs
<input type="checkbox"/> Other: _____	

5. Which of these materials are you targeting? (Check all that apply.)

<input type="checkbox"/> Paper	<input type="checkbox"/> Plastic	<input type="checkbox"/> Glass
<input type="checkbox"/> Wood	<input type="checkbox"/> Asphalt	<input type="checkbox"/> -Concrete
<input type="checkbox"/> Textiles	<input type="checkbox"/> Green Waste	<input type="checkbox"/> Metal
<input type="checkbox"/> Other (specify): _____		

6. Does your RMDZ overlap an existing Enterprise Zone?

☐ Yes ☐ No

7. Do you administer an Enterprise Zone in addition to your RMDZ?

☐ Yes ☐ No

8. Has there been an increase in the use of recycled materials as a result of the RMDZ assistance or zone designation?

(a) ☐ Yes ☐ No

If YES, please estimate the amount of increase in the use of recycled materials since your zone designation?

- |  |   |
|--|---|
| <input type="checkbox"/> 0-1,000 tons/year         | <input type="checkbox"/> 1,001-5,000 tons/year      |
| <input type="checkbox"/> 5,001-10,000 tons/year    | <input type="checkbox"/> 10,000 - 20,000 tons/year  |
| <input type="checkbox"/> 20,000 - 40,000 tons/year | <input type="checkbox"/> More than 40,000 tons/year |

(b) What do you believe were the most significant reasons for the increase?

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9. If known, do you expect your local jurisdiction meet AB 939 goals?

☐ Yes ☐ No ☐ Unsure

If NO, why not?

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10. If known, to what degree has the RMDZ program helped your jurisdiction achieve AB 939 goals?

- ☐ Not at all helpful
- ☐ Not significantly helpful
- ☐ Somewhat helpful
- ☐ Significantly helpful
- ☐ Extremely helpful

11. In your business recruitment efforts, on a scale 1-5 (5 being most important), please indicate which of the followings DETER businesses from locating in a RMDZ: (check all that applies)

Lack of knowledge on the program	1	2	3	4	5
Access to markets	1	2	3	4	5
Lack of demand for recycled products	1	2	3	4	5
Not eligible for RMDZ loan	1	2	3	4	5
Inadequate local incentives (specify)_____	1	2	3	4	5
Inadequate State incentives (specify)_____	1	2	3	4	5
Inadequate recycled materials supply	1	2	3	4	5
Inadequate transportation network (roads, rail, etc.)	1	2	3	4	5
Property and housing costs	1	2	3	4	5
Operation costs	1	2	3	4	5
Lack of skilled labor	1	2	3	4	5
Permitting issues/Environmental regulations	1	2	3	4	5
Other: (specify)_____	1	2	3	4	5

12. On a scale of 1-5 (5 being most important), please indicate the importance of the following to a business selecting a site:

RMDZ low interest loans	1	2	3	4	5
Utility rate incentives	1	2	3	4	5
Enterprise Zone incentives	1	2	3	4	5
RMDZ marketing assistance	1	2	3	4	5
Local business development assistance	1	2	3	4	5
Housing & property costs	1	2	3	4	5
Operation costs	1	2	3	4	5
Skilled labor force	1	2	3	4	5
Proximity to material supply	1	2	3	4	5
Access to markets/customers	1	2	3	4	5
Permit streamlining assistance	1	2	3	4	5
Local grants, loans & other incentives	1	2	3	4	5
Access to rail lines, highways, airports or shipping	1	2	3	4	5
Identification of feedstock availability	1	2	3	4	5
Industrial site availability	1	2	3	4	5
Others (specify)_____	1	2	3	4	5
_____	1	2	3	4	5

13. On a scale 1-5 (5 being most important), please indicate the importance of the following services to your future successes in retaining, expanding, and attracting businesses in the RMDZ?

Business recruitment assistance	1	2	3	4	5
National outreach to businesses	1	2	3	4	5
Funding for marketing materials (e.g. brochures)	1	2	3	4	5
Funding for administrative costs	1	2	3	4	5
Identification of available grants (nationwide)	1	2	3	4	5
Local business workshops	1	2	3	4	5
Attending statewide business conferences	1	2	3	4	5
Attending nationwide business conferences	1	2	3	4	5
Networking between RMDZs	1	2	3	4	5
Waste management information	1	2	3	4	5
Economic development training	1	2	3	4	5
Other training (specify): _____	1	2	3	4	5
Tax credits	1	2	3	4	5
Hiring credits	1	2	3	4	5
Others: _____	1	2	3	4	5
_____	1	2	3	4	5

14. If you have received services through the RMDZ program, on a scale of 1-5 (5 being most satisfied), please indicate your level of satisfaction with the program: (Please mark all that apply.)

Recycled materials information	1	2	3	4	5
Business development assistance	1	2	3	4	5
Permitting assistance	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Siting assistance	1	2	3	4	5
Closing of loans was expeditious	1	2	3	4	5
Referral to other sources of information	1	2	3	4	5
Help was provided in timely manner	1	2	3	4	5
Assisted in business recruitment	1	2	3	4	5
Recruited businesses were screened quickly	1	2	3	4	5
Other: _____	1	2	3	4	5
_____	1	2	3	4	5

15. What services do your local agencies provide to businesses who locate in a RMDZ? (Excluding the Board's services.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

16. Please list in order of importance, other ways the Board can help businesses:

1 = most important; 5 = least important;

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

17. What do you like BEST about the RMDZ Loan program?

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LEAST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. What other services can the Board provide your RMDZ to ensure its success?

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19. If you could change the RMDZ program, what would you change?

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20. Do you have any additional comments you would like to add? (Please use additional pages as needed.)

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Thank you for taking the time to complete this questionnaire. Please return or fax it by

DECEMBER 1, 1995 to : Mary Farr

RMDZ Program

CIWMB

8800 Cal Center Drive

Sacramento, California 95826

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**ZONE ADMINISTRATORS SURVEY RESULTS**  
(Questions: 2,4,5,6,7,8,9,10,15,16,17,18,19,20)

Total surveys sent: 40  
Total surveys reviewed: 25

Response rate: 63%

**Question #2: Recycling-based manufacturers assisted:**

New:	186	(Ventura 50)
Expanded:	132	(Ventura 50)
Retained:	49	
Attracted:	139	(Mojave 100)
Other:	28	

**Question #4: Type of Recycled Products Manufactured in the RMDZs:**

Paper:	7	Printing & Writing:	3
Glass:	8	Solids (eg: roadbase):	16
Metal:	7	Plastic (pellets):	9
Furniture:	4	Plastic (finished):	11
Clothing:	4	Compost/Mulch:	17
Firelogs:	4	Automotive (antifreeze):	3
Retreaded Tires:	5	Tire-derived:	6
Paint/Solvents:	8	Building & Construction:	6
Other:	6		

**Question # 5: Recycled materials targeted in the RMDZs:**

Paper:	15
Plastic:	16
Glass:	10
Wood:	12
Asphalt:	6
Concrete:	7
Textiles:	6
Green Waste:	18
Metal:	5
Other:	4

**Question #6: Do the RMDZ overlap with Enterprise Zone?**

Yes: 14      No: 10      No answer: 1

**Question # 7: Do you administer EZ & RMDZ?**

Yes: 5      No: 18      No answer: 2

**Question #8:**

**8a: Increase in recycled material because of RMDZ:**

Yes: 13 No: 5 No answer: 7

**Amount of tons/year increase since zone designation:**

0-1,000:	6	1,0001-5,000:	1
5,0001-10,000:	1	10,000-20,000:	0
20,000-40,000:	2	>40,000:	3

**8b. Reasons for the increase:**

- a. Assistance in the use of recycled materials in manufacturing.
- b. Technical assistance from the city's waste management office.
- c. Increased awareness in the importance of buying recycled content.
- d. Loan funding (2)

**Question #9: Does your local jurisdiction expect to meet AB 939?**

Yes: 17 No: 3 Unsure: 5

**Question #10: Degree the program helped to meet AB 939:**

Not at all helpful:	0
Not significantly helpful:	5
Somewhat helpful:	12
Significantly helpful:	1
Extremely helpful:	0
Unknown:	4
No answer:	3

**Question #15: Services provided by local agencies to businesses in the RMDZs:**

**Technical Assistance**

- 1. Identification of feedstock - 4
- 2. Permitting assistance (streamline, one-stop, utility reduction/waiver, landuse) - 17
- 3. Marketing assistance (national marketing of regional area, materials market data) - 5
- 4. General information and referrals
- 5. Assistance in solid waste/recycling issues



## Business Development

1. Employment services (hiring referral services, job training) - 7
2. Business development centers (SCORE, SBDC) - 3
3. Site identification/selection - 13
4. Business plan assessment/development - 3
5. Cost analysis
6. Enterprise Zone incentives - 7

## Financing Assistance

1. Pre-screening loan qualifications - 2
2. Small business financing (SBA, Micro loans) - 3
3. Loan information (low interest loans, local financing, loan packaging, identification sources of funds) - 11

### **Question 16: Ways the Board could help businesses?**

(1 = most important; 5 = least important)

- 1a. Allow RMDZ staff to be more involved
  - b. Loan program : Greater flexibility in RMDZ loan process; more efficient & effective loan program; keep RMDZ loan interest rates low (4)
  - c. Marketing assistance: Recycled content products marketing & promotion; information on recycled content products buyers and sellers; market research & analysis (by material) (5)
  - d. Technology research/transfer
  - e. Financial assistance: Tax credits; grants for R&D & start costs; identification of grant opportunities; administrative funds (10)
  - f. Increasing feedstock availability by AB 939
  - g. Reduced utility rates
  - h. Funding for entrepreneurial & management training for prospective loan applicants at local level
- 2a. Recycled content legislation
  - b. Trade show information
  - c. Loan program: Lower interest rates; lower RMDZ loan application fee; less stringent loan eligibility (3)
  - d. Marketing assistance: Attraction efforts; mail outs & nationwide advertising; tradeshow information (5)
  - e. Technical assistance: R&D assistance; regional information on recyclable materials (4)
- 3a. Develop, maintain & make available databases on feedstock and products.
  - b. Regional representation/coordination (2)
  - c. Marketing assistance
  - d. Reduce collateral & cash flow requirements; lower loan rate; better guidelines for loan qualifications (3)

**Question 16: (cont'd)**

- g. Mixed organics demonstration/pilot projects within the RMDZ
- h. Continued grant funding for RMDZ coordinators
  
- 4a. Provide seed money for databases, surveys, local promotions
- b. Development of business plans
- c. Statewide feedstock database
- d. Statewide & national publicity
  
- 5a. Micro-loans
- b. Loan program
- c. Electronic bulletin board
- d. Duplicating CALED economic development efforts

**Question # 17: Like BEST about the RMDZ program:**

- 1. Low interest loans (4)
- 2. Team work
- 3. Flexibility for local implementation
- 4. Encourages diverse local jurisdictions to plan & work together
- 5. Staff enthusiasm, patience, knowledge, and support
- 6. New business opportunities
- 7. Technical assistance
- 8. Working with businesses
- 9. Staff & Board attentiveness
- 10. Loans when they materialize
- 11. Utility rate reduction
- 12. Training & economic development
- 13. Referral of prospects

**Like Least about the RMDZ program:**

- 1. Limitations/inflexibility of loan program (2)
- 2. No real incentives from State; beside the loan, all other RMDZ services are available without zone designation. (4)
- 3. Loans that do not materialize when they should
- 4. Not enough recruitment of businesses.
- 5. RMDZ expansion application requirements
- 6. Rising interest rates
- 7. Incapacity to fund solid start-ups
- 8. Lack of direct state support for local activities

**Question # 18: Services the Board need to provide to the RMDZs:**

1. Marketing & business attraction; national & international (5)
2. Continued support
3. Statewide efforts to educate politicians, purchasing agents & the public about recycled content products.
4. Additional loan related services for start-up companies.
5. Local workshops
6. Cross-training in waste management & economic development issues
7. Build strength through incentives
8. Grant and other sources of funding
9. Engineering specs for small-scale sludge/yard waste. Co-composting facility for Mendocino Coast
10. Administrative funding (2)
11. Fund solid start-ups
12. Marketing assistance
13. Local workshops
14. Higher loan limits

**Question # 19: Changes needed to improve the RMDZ program:**

1. More flexible loan program (3)
2. More CIWMB marketing assistance for all RMDZs
3. More state incentives for RMDZ companies - 2
4. Increase communication between sections within the Board & between the Board & RMDZs
5. Streamline paperwork
6. Lower interest rates
7. Offer tangible incentives as the Enterprise Zone program
9. Grant and support for marketing assistance Instead of loan program
10. Increase loan funding availability
11. Administrative support to locals

**Question #20: Additional comments:**

1. Offer technical advise (process/materials advise for a certain technology
2. More support to businesses
2. Most significant loan program
3. Work & coordinate efforts with existing economic development organization

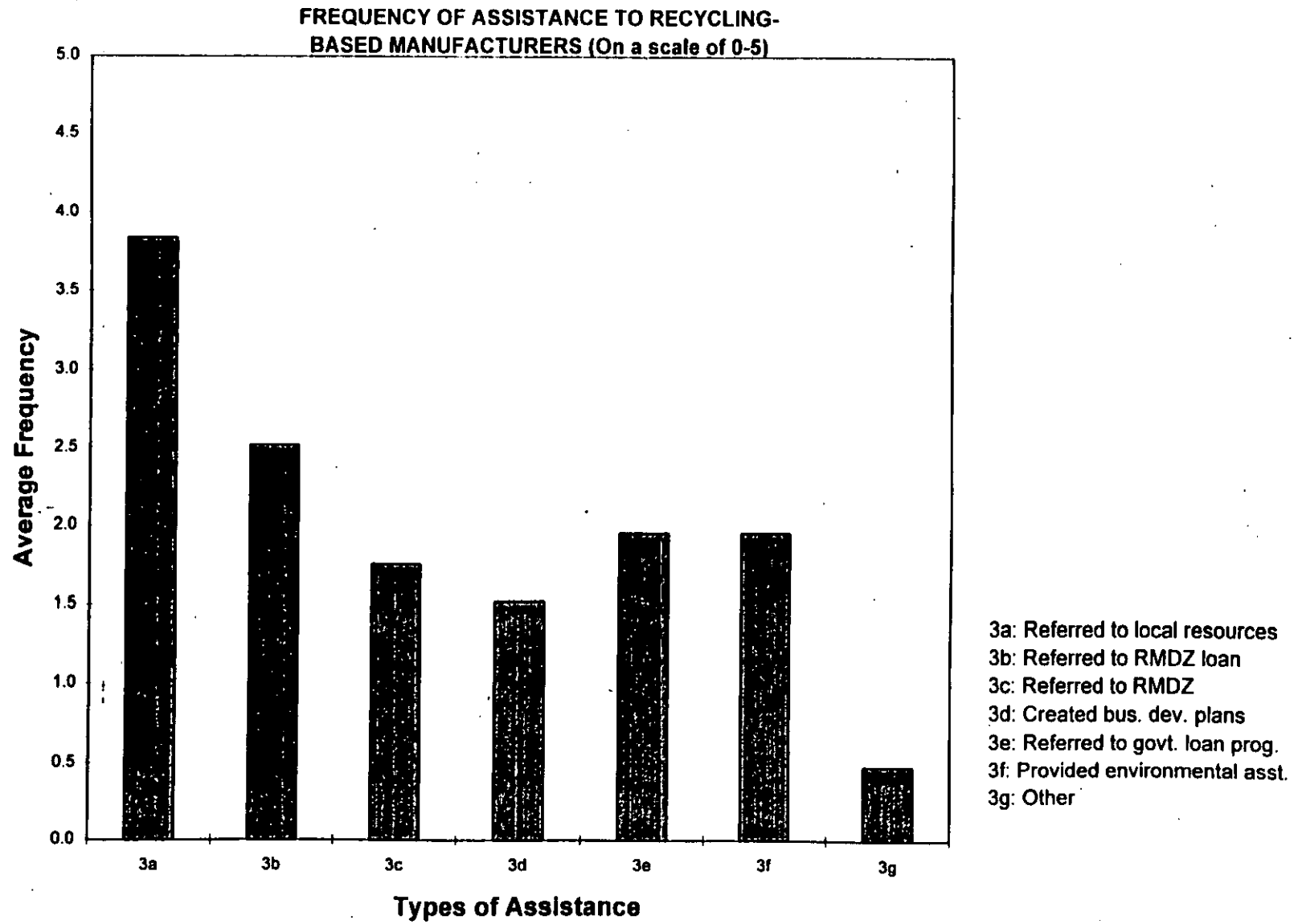
# ZONE ADMINISTRATOR SURVEY RESULTS

	Question 3: Frequency of assistance							Question 11: Decision NOT to site in a RMDZ													Question 12: Selection of manufacturing site																
	3a	3b	3c	3d	3e	3f	3g	11a	11b	11c	11d	11e	11f	11g	11h	11i	11j	11k	11l	11m	12a	12b	12c	12d	12e	12f	12g	12h	12i	12j	12k	12l	12m	12n	12o	12p	
Respondent	Needs handled by loc resource	Referred to RMDZ loan prog	Referred to RMDZ for assist	Business dev plans created	Req gov guaranteed loans	Bus received environ assist	Other	Lack of program knowledge	Access to markets	Lack of markets for products	Not eligible for RMDZ loan	Inadequate local incentives	Inadequate state incentives	Inadequate recyc matl supply	Inadequate transp network	Property & housing costs	Operation costs	Lack of skilled labor	Permitting/Environ regs	Other	RMDZ low interest loans	Utility rate incentives	Enterprise Zone incentives	RMDZ marketing assistance	Local business dev assistance	Property & housing costs	Operation costs	Skilled labor force	Proximity to raw matl supply	Access to mtkts/customers	Permit streamlining assist	Local grants, loans, other	Rail, hiway, air, ship access	ID of feedstock availability	Industrial site availability	Other	
Agua Mansa	5	5	2	1	3	1		2	4	4	4	2	2	4	1	1	3	1	3		3	4	3	2	4	5	5	5	5	4	3	5	5	5			
Chino & Chino Hills	2	3	1				5									3	4		2	5		2								4		1					
City of Long Beach	5	3	1	4	4	3		1	1	1	1	1	1		1	4	1	1	1		4	2	5	3	5	3	3	4	4	4	3	5	5	3	5		
City of Redding	4					3								5							5	5	5	5	5	5	5	5	5	5	5	3	5	5	5		
City of San Diego	5	2	1	1	1	2		3	2	4	2	2	1	2	3		3	1	2		2	3	3	1	2	4	4	2	4	5	4	4	3	4	4		
City of Santa Clarita	4	1	1	1		5		4	5	3	3	2	2	4	5	3	3	1	4	4	3	3		3	4	4	3	4		5	4	2	5	3	4	4	
Fresno County	3	4	4	1				3	3	3	5	3	5	5	1	1	1	1	3		1	2	5	2	4	5	5	5	5	5	5	3	4	3	4	5	
Glenn County	5	5	3	3	4			4	3	3	5	2	2	2	1	1	3	3	3	5	4	4	1	3	5	4	5	4	5	5	5	5	5	5	5	5	
Kern County	4	1	3	1	2	1		2	4	3	5	1	5	2	2	2	3	2	5		5	3	5	2	4	5	4	2	4	4	4	5	2	4	3		
Madera County	5	1	1	1	4	4		1	4	3	3	1	3	5	3	1	1	1	5		3	5	4	3	5	5	5	5	5	5	3	4	5	3	5		
Mendocino County	3	5	1	3	1	1		1	1	1	1	1	1	1	5	3	4	5	1		3	3	3	3	3	4	5	4	5	5	3	3	5	3	5		
Merced	5	4	3		2	3		1	2	3	3		5	3	1	1	1	1	1		3	5	4	4	3	4	4	2	3	3	4	4	4	3	5		
Mojave Desert	5	2			4	3		3	2	1				4						5		1				2					3			4	5		
Napa/Solano								5	3	1	4	3	3	4	4	4	5	4	4		4	3	4	4	5	4	5	3	4	4	4	4	4	4	4		
Oakland/Berkeley	5	2	1	1	3																3	2	2	2	2	2	4	4	4	4	5	2	3	5	5		
Riverside County	5	5	3	3	4	4		3	5	5	3	3	5	5	3	3	3	3	5		5	5	5	3	5	5	5	5	5	5	5	5	5	5	5		
Sacramento	5	1	2	2	2	2	3	1	5	5	1	2	1	5	4	4	5	5	4		1	2	3	3	4	5	5	5	5	5	4	3	4	4	4		
San Francisco																																					
San Joaquin County	4	5	2	2	4	4		2	1	4	2			2	1	5	5	1	5		5	5	5	3	3	4	4	3	3	4	5	4	4	3	4		
Santa Barbara	4	4	4	3	2	2																															
Siskiyou County	3	1	4	4	3	1		1	5	4	1	1	1	3	3	1	1	5	3		1	3	3	1	1	5	5	4	4	4	3	2	4	3	4		
Sonoma County	5	2				4					5								5		5					5	5	5	5	5	5	5	5	5	5		
Stanislaus RMDZ	5	4	4	3	3	1															3			4	4	4	4	4	4	4	4	4	4	4	4		
Tuolumne/Calaveras																						2	2		3	4	4	5	4	4	2	5			3	5	
Ventura County	5	3	3	4	3	5	4	3	3	4	5	5	4	3	2	3	4	2	5	5	4	2		3	4	4	5	3	4	4	5	5	4	3	4		
TOTAL	98	83	44	38	49	49	12	40	53	52	53	29	41	60	40	40	50	37	61	29	68	69	62	54	77	82	94	83	87	97	84	79	87	82	98	14	
AVERAGE	3.8	2.5	1.8	1.5	2.0	2.0	0.5	1.6	2.1	2.1	2.1	1.2	1.6	2.4	1.6	1.8	2.0	1.5	2.4	1.2	2.7	2.8	2.5	2.2	3.1	3.3	3.8	3.3	3.5	3.9	3.4	3.2	3.5	3.3	3.9	0.6	

## ZONE ADMINISTRATOR SURVEY RESULTS

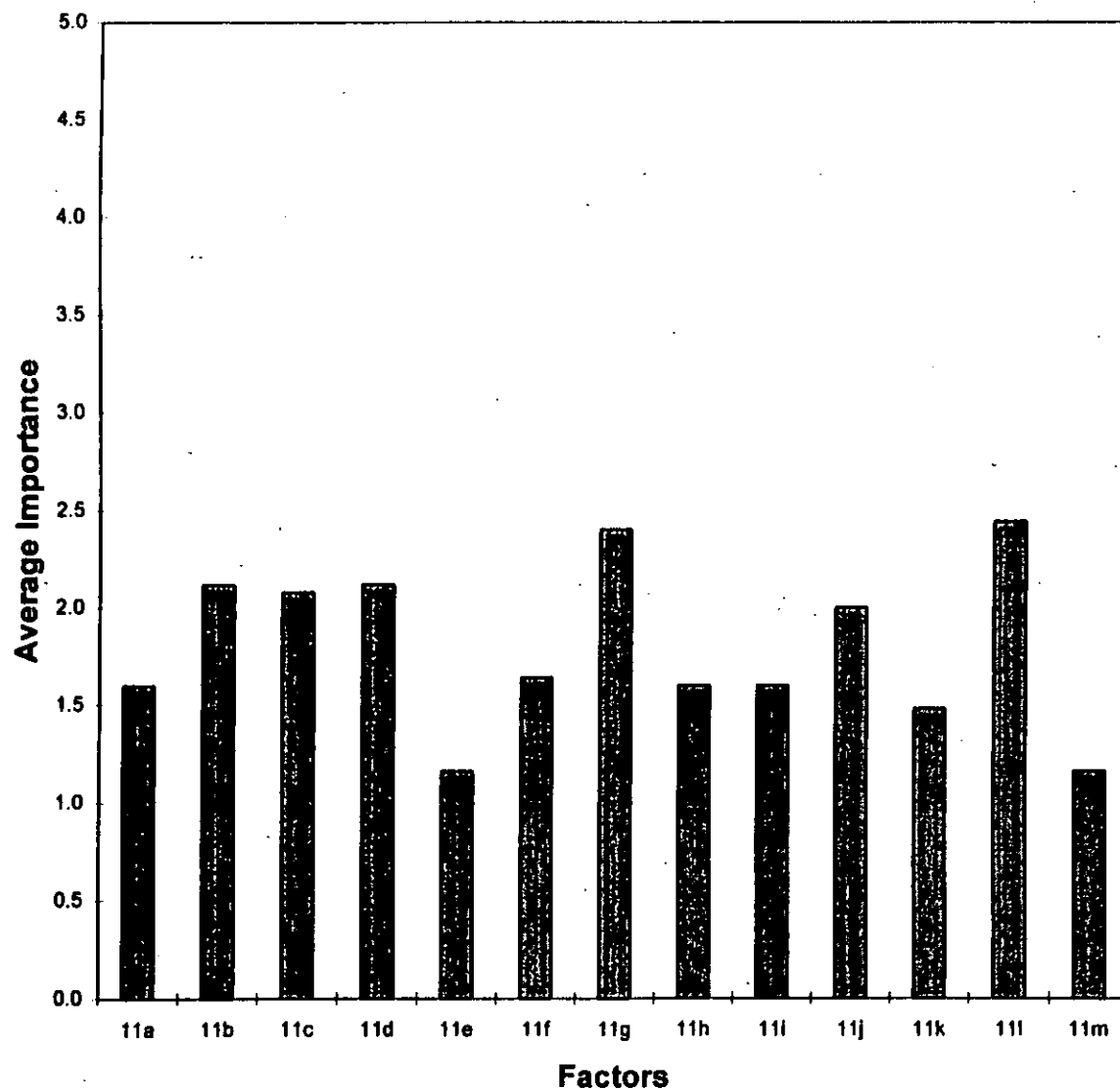
	Question 13: Contribution to future successes in retaining, expanding, attracting business															Question 14: Satisfaction with services received through RMDZ program											
	13a	13b	13c	13d	13e	13f	13g	13h	13i	13j	13k	13l	13m	13n	13o	14a	14b	14c	14d	14e	14f	14g	14h	14i	14j	14k	
Respondent	Bus recruitment assistance	National outreach to business	Marketing malis funding	Administrative costs funding	ID of available grants	Local business workshops	Attending statewide bus confs	Attending national bus confs	Networking between RMDZs	Waste management info	Economic dev training	Other Training	Tax credits	Hiring credits	Other	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	Expeditious loan closings	Referral to other info sources	Timely help provided	Assisted in bus recruitment	Recruited bus screened quickly	Other	
Agua Mansa	3	4	4	3	5	3	2	2	3	4	4		5	5		5			3		4	4	3		4		
Chino & Chino Hills	4	5		3			1	2								3			3		3	4	3				
City of Long Beach	4	4	4	5	4	2	1	4	3	2	1		4	4			3				3		4		4		
City of Redding	5	5	5	5	5	5	5	5	5	5	5		5	5		5	4		5		5	5	5				
City of San Diego	3	4	2	1	3	4	4	3	4	3	4		4	4		2	3	2	2	2	3		3				
City of Santa Clarita	4	4	4	4	3	4	5	4	5	4	5	4	5	5		4	4	2	3	3		4	3	3	5		
Fresno County	3	1	5	5	3	1	2		3	3	4	4	5	5	5						5	5	5	5	5		
Glenn County	5	5	4	5	5	4	4	3	4	5	5		4	4		4	4	4	4	1	4	3	4	2			
Kern County	1	1	3	1	3	2	2	2	1	1	1	2	5	5	5	4	2	5	3	4	4	3	5	4	4		
Madera County	5	5	5	5	5	2	2	2	3	5	5		5	5		4					4	2					
Mendocno County	4	4	1	1	4	3	3	1	3	3	2		5	5		5	5	3	3	3	1	3	4	1	1		
Merced	2	5	1	1	5	2	3	4	3	4	4		5	4		4	4		3	3		5	5				
Mojave Desert	4	1	2										5	3		1	1	1	1	1	1	1	1	1	1		
Napa/Solano	5	3	4	5	4	4	4	4	4	3	3		4	3		5	5		5		5	5	5	5	5		
Oakland/Berkeley	5	4	4	4	2	1	3	2	3	3	4		3	2		3			2		2	3	2				
Riverside County	5	5	5	5	5	5	5	5	5	5	3		5	5		3	3	4	2	3	3	4	4	4	4		
Sacramento	4	1	1	1	2	3	2	1	2	4	4		5	5		5	3	3	5	3	2	3	5	3	3		
San Francisco	4	3	1	1	3	5	4	4	5	2	5	4	3	3													
San Joaquin County	4	5	5	3	5	2	2	4	3	2	2		5	5			3						4	2			
Santa Barbara	3	3	4	4	4	4	4	3	4	4	4		4	4		5	5		4		4	5					
Siskiyou County	2	2	5	5	3	1	1	1	2	2	2		4	4		4	2	1	5	2	5	5	5	1	1		
Sonoma County																				5		5					
Stanislaus RMDZ	4	4	4	4	4	4	4	4	4	4	4		4	4													
Tuolumne/Calaveras				5																							
Ventura County	4	4	4	4	5	4	3	3	3	3	4	5		5	5	3	3	2	2	2	3	4	4	3	4		
TOTAL	87	82	77	80	82	65	66	63	72	71	75	19	94	94	15	69	54	27	52	32	43	74	83	39	41	0	
AVERAGE	3.5	3.3	3.1	3.2	3.3	2.6	2.6	2.5	2.9	2.8	3.0	0.8	3.8	3.8	0.6	3.8	3.4	2.7	3.3	2.7	3.1	3.9	4.0	3.0	3.4	###	

### Zone Administrator Survey - Question 3



## Zone Administrator Survey - Question 11

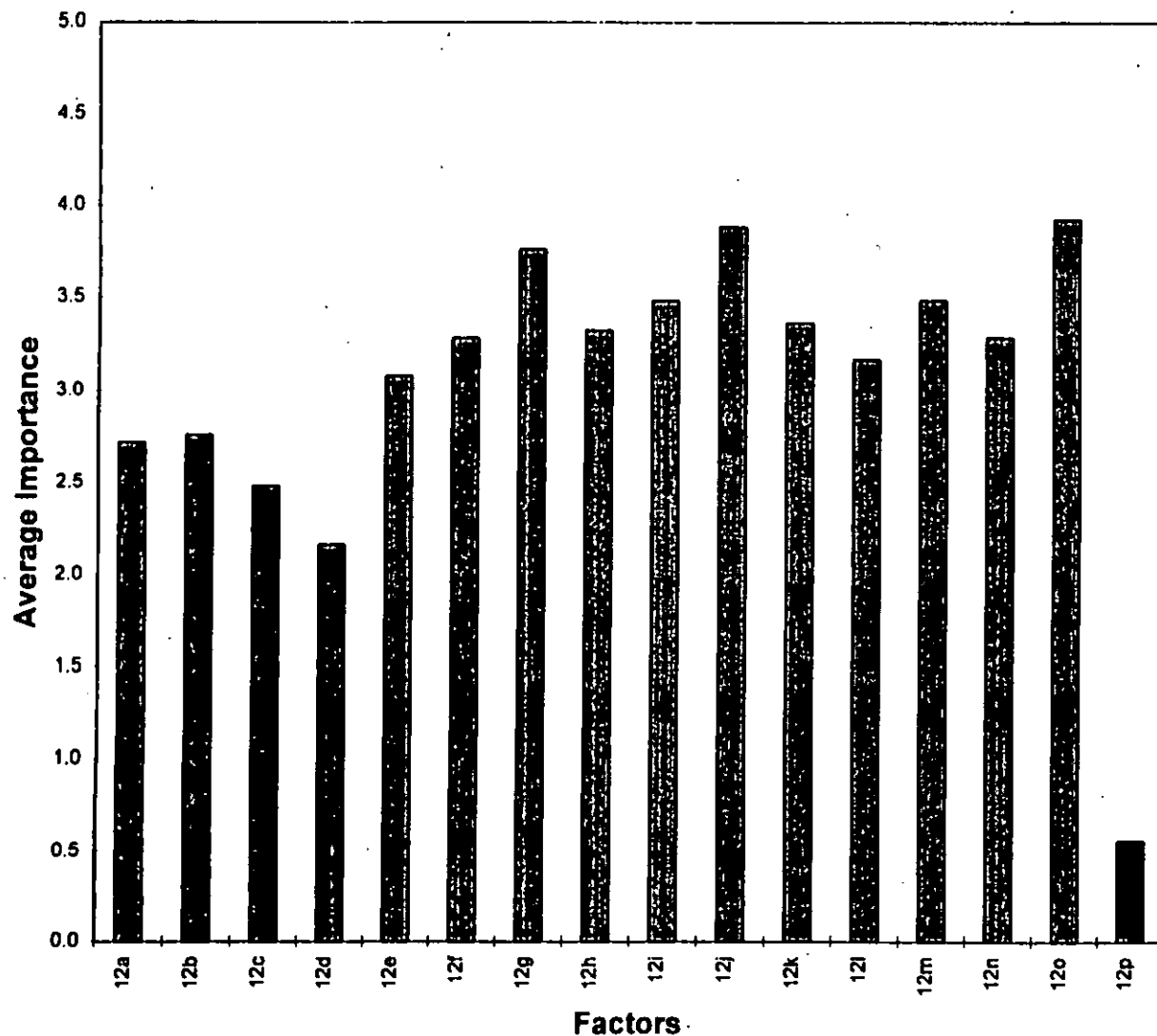
### IMPORTANCE OF FACTORS IN DETERRING BUSINESSES FROM LOCATING IN A RMDZ (On a scale of 0-5)



- 11a: No knowledge of program
- 11b: Mkt. access for recycled products
- 11c: Lack of demand for recyc. products
- 11d: Not eligible for RMDZ loan
- 11e: Inadequate local incentives
- 11f: Inadequate state incentives
- 11g: Inadequate recyc. matl. supply
- 11h: Inadequate transportation
- 11i: Property & housing costs
- 11j: Operating costs
- 11k: Lack of skilled labor
- 11l: Permitting/environmental regs.
- 11m: Other

## Zone Administrator Survey - Question 12

### IMPORTANCE OF FACTORS TO BUSINESSES WHEN SELECTING A SITE (On a scale of 0-5)

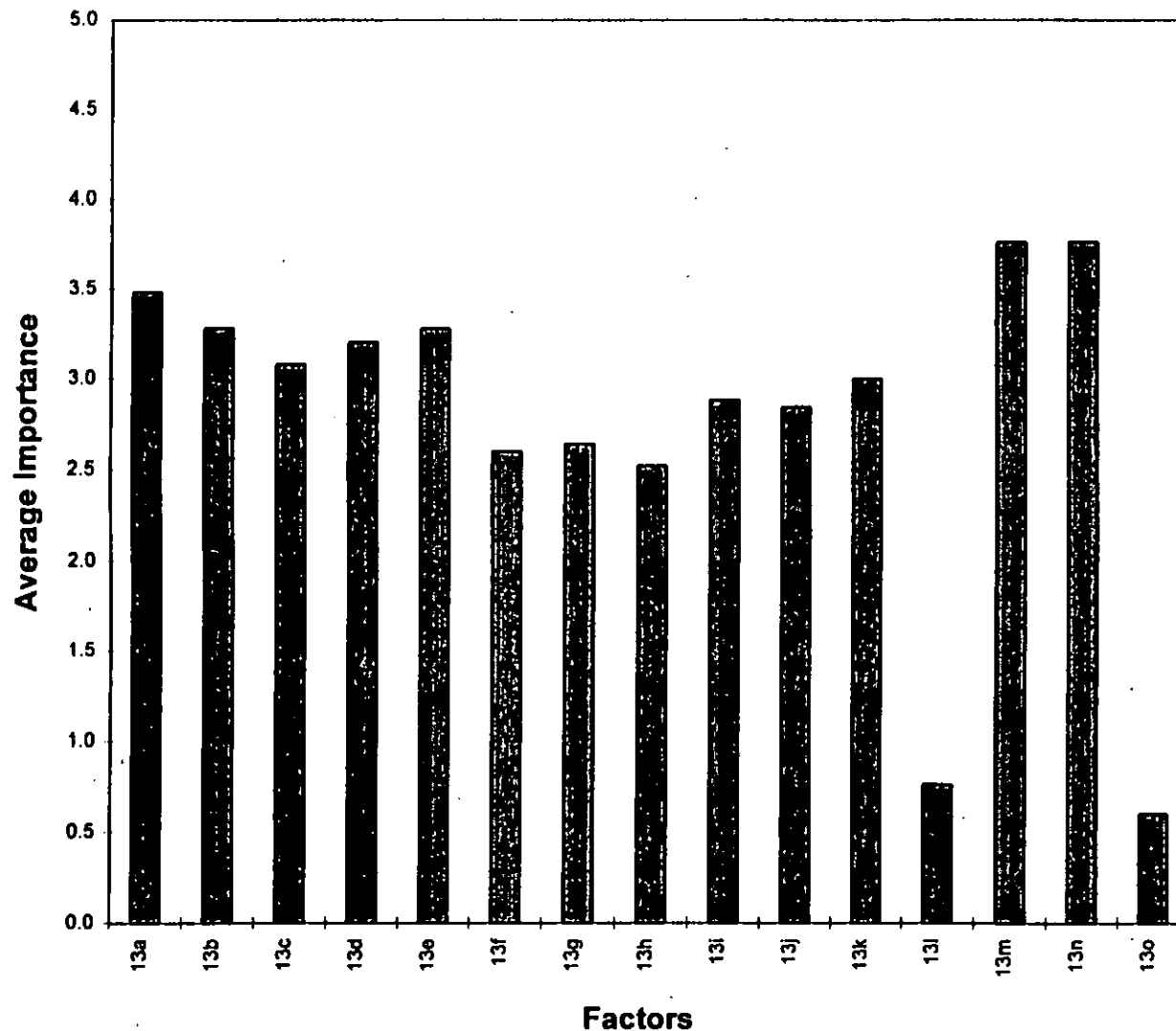


- 12a: RMDZ low interest loans
- 12b: Utility rate incentives
- 12c: Enterprise Zone incentives
- 12d: RMDZ marketing asst.
- 12e: Local bus. dev. asst.
- 12f: Housing & property costs
- 12g: Operation costs
- 12h: Skilled labor force
- 12i: Close to matl. supply
- 12j: Access to mkts/customers
- 12k: Permitting assistance
- 12l: Local incentives
- 12m: Access to transportation
- 12n: ID of feedstock availability
- 12o: Industrial site availability
- 12p: Other



# Zone Administrator Survey - Question 13

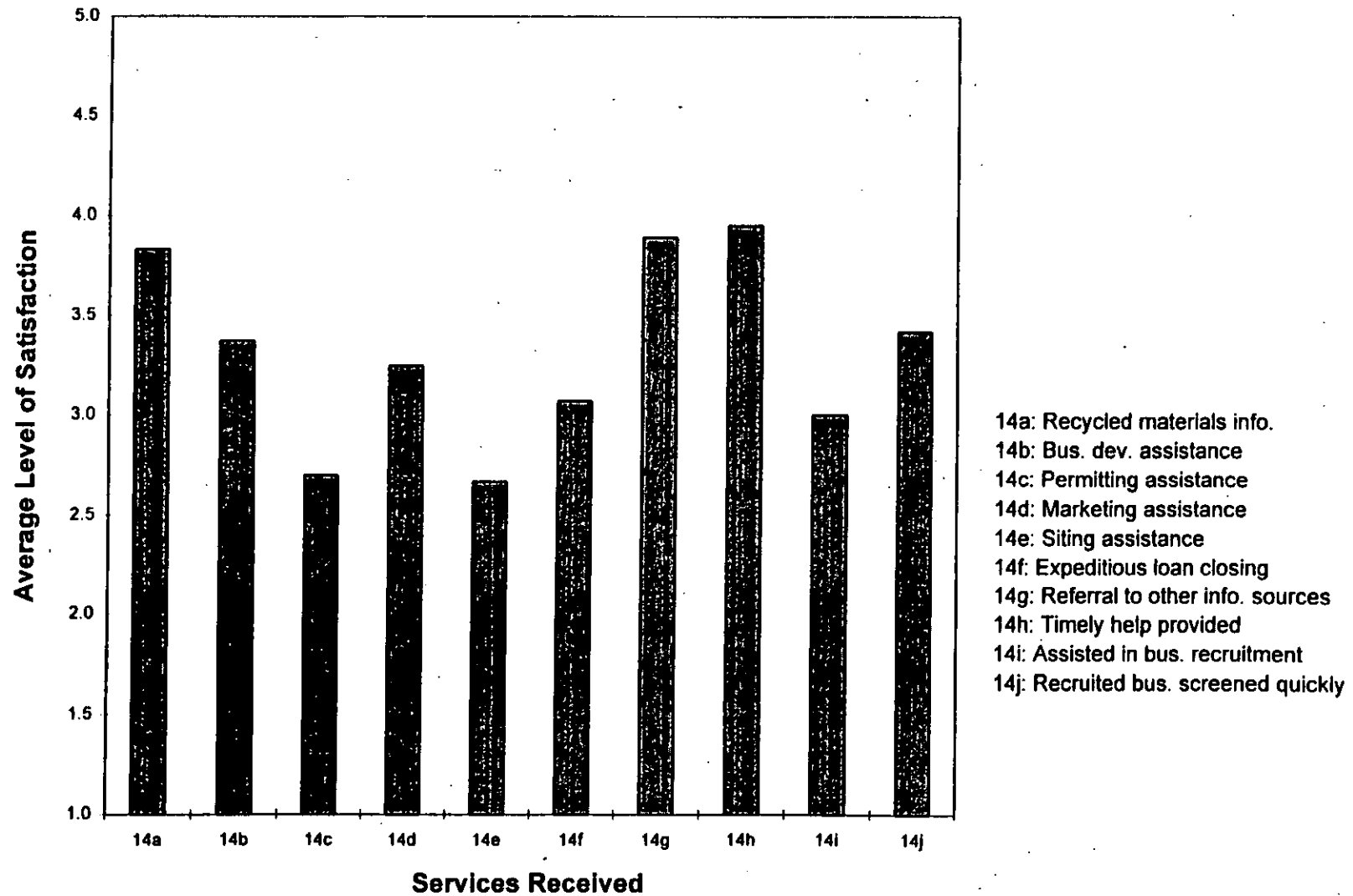
IMPORTANCE OF FACTORS IN RETAINING, EXPANDING,  
AND ATTRACTING BUSINESSES TO THE RMDZ (On a scale of 0-5)



- 13a: Bus. recruitment asst.
- 13b: National outreach
- 13c: Funding for mktg. materials
- 13d: Funding for admin. costs
- 13e: ID of available grants
- 13f: Local bus. dev. workshops
- 13g: Attending statewide bus. confs
- 13h: Attending nationwide confs.
- 13i: Networking between RMDZs
- 13j: Waste mgmt. information
- 13k: Economic dev. training
- 13l: Other training
- 13m: Tax credits
- 13n: Hiring credits

## Zone Administrator Survey-Question 14

LEVEL OF SATISFACTION WITH  
RMDZ PROGRAM SERVICES (On a scale of 1-5)



## APPENDIX C

### SURVEY TO BUSINESS AND RESULTS

#### Table of contents

Business survey form

Business survey results  
(Questions: 1,2,6,8,9,10,12,13,15,16)

Business survey results (Questions: 4,5,7,11)

Bar chart results (Questions: 4,5,7,11)

**Recycling Market Development Zone Program**  
**Survey for Recycling Businesses**

**1. Company information:**

Company Name \_\_\_\_\_  
 Contact Person \_\_\_\_\_  
 Phone (\_\_\_\_) \_\_\_\_\_

**Type of Business:**

- ☐ Manufacturer  
☐ Broker  
☐ Other (please specify) \_\_\_\_\_

**How many employees currently work at your facility?** \_\_\_\_\_

**If you have multiple product lines, how many employees work in the manufacture of recycled content products?** \_\_\_\_\_

**2. If you use any of the following recycled materials, please indicate the percentage used in manufacturing your product: (Please check all that apply.)**

Material	Type (e.g., grade, resin)	Recycled (Percent)	Virgin (Percent)	Tons/Year	
				Recycled	Virgin
Paper					
Plastic					
Glass					
Wood					
Asphalt					
Concrete					
Textiles					
Green Waste					
Metal					
Other (specify)					

3. What type of recycled content products do you manufacture?

- |  |  |
|--|--|
| <input type="checkbox"/> Paper products                              | <input type="checkbox"/> Paint and/or solvents   |
| <input type="checkbox"/> Printing & writing products                 | <input type="checkbox"/> Building & Construction |
| <input type="checkbox"/> Solids (e.g., road base, concrete, etc.)    | <input type="checkbox"/> Metal products          |
| <input type="checkbox"/> Plastic products (pellets)                  | <input type="checkbox"/> Retreaded Tires         |
| <input type="checkbox"/> Plastic products (finished products)        | <input type="checkbox"/> Tire-derived products   |
| <input type="checkbox"/> Compost/Mulch                               | <input type="checkbox"/> Furniture               |
| <input type="checkbox"/> Glass products                              | <input type="checkbox"/> Clothing                |
| <input type="checkbox"/> Automotive products (e.g., antifreeze, oil) | <input type="checkbox"/> Other: _____            |
| <input type="checkbox"/> None  |  |

4. On a scale of 1-5 (5 being most important), please indicate the importance of the following in your decision to use recycled materials in your manufacturing:

Company philosophy	1	2	3	4	5
State RMDZ incentives	1	2	3	4	5
Local RMDZ incentives	1	2	3	4	5
Lower cost of production	1	2	3	4	5
Lower cost of feedstock	1	2	3	4	5
Improved product quality	1	2	3	4	5
Availability of local feedstock	1	2	3	4	5
Market demand for recycled products	1	2	3	4	5
Government mandated recycled content	1	2	3	4	5
Price preference policies	1	2	3	4	5
Others: _____	1	2	3	4	5
_____	1	2	3	4	5

5. On a scale 1-5 (5 being most significant), please indicate the significance of the following obstacles to the growth of your company's use of recycled materials:

Limited access to capital	1	2	3	4	5
Technical limitations	1	2	3	4	5
Lack of markets for your products	1	2	3	4	5
Permitting issues/Environmental regulations	1	2	3	4	5
Operational costs	1	2	3	4	5
Feedstock availability	1	2	3	4	5
Increased cost of recycled feedstocks	1	2	3	4	5
Meeting product specifications	1	2	3	4	5
Maintaining end-product quality	1	2	3	4	5
Inadequate local incentives	1	2	3	4	5
Inadequate state incentives	1	2	3	4	5
Lack of Governmental cooperation	1	2	3	4	5
Lack of skilled labor	1	2	3	4	5
Other: _____	1	2	3	4	5

6. Is your company planning to expand its use of recycled materials?

☐ Yes      ☐ No      ☐ Unsure

If you answered NO, what assistance could help change your mind?

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7. On a scale of 1-5 (5 being most important), please indicate the importance of the following in your decision to site in your current location:

RMDZ low interest loans	1	2	3	4	5
Federal funding (e.g., SBA 504, 7a, etc.)	1	2	3	4	5
RMDZ business development assistance	1	2	3	4	5
Utility rate incentives	1	2	3	4	5
Enterprise Zone incentives	1	2	3	4	5
Property and housing costs	1	2	3	4	5
Adequate labor force	1	2	3	4	5
Proximity to raw material supply	1	2	3	4	5
Access to markets/customers	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Permit streamlining assistance	1	2	3	4	5
Local grants, loans & other incentives	1	2	3	4	5
Access to rail lines, highways, airports or shipping	1	2	3	4	5
Identification of feedstock availability	1	2	3	4	5
Industrial site availability	1	2	3	4	5
Other (specify) _____	1	2	3	4	5

8. Have you received assistance through the RMDZ program?

☐ Yes      ☐ No

If YES, please list in order of importance the type of services received:

1 = most important; 5 = least important

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

9. Was there an increase in your use of recycled materials as a result of the RMDZ assistance?

☐ Yes      ☐ No

If YES, by approximately how many tons/year? \_\_\_\_\_ tons.

10. How many jobs were created as a result of the RMDZ assistance? \_\_\_\_\_

11. On a scale 1-5 (5 being most satisfactory), please indicate your satisfaction with the services received through the RMDZ program: (Please mark all that apply.)

Low-interest loan assistance	1	2	3	4	5
Recycled materials information	1	2	3	4	5
Business development assistance	1	2	3	4	5
Permitting assistance	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Siting assistance	1	2	3	4	5
General information provided	1	2	3	4	5
Referral to other sources of information	1	2	3	4	5
Credit evaluations were expeditious	1	2	3	4	5
Credit evaluations were fair	1	2	3	4	5
Collateral/credit negotiations were expeditious	1	2	3	4	5
Collateral/credit negotiations were fair	1	2	3	4	5
Closing of loans was expeditious	1	2	3	4	5
Help was provided in timely manner	1	2	3	4	5
Other: _____	1	2	3	4	5

12. Please list in order of importance, other ways the Board can help your business:  
1 = most important; 5 = least important

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_

If you have applied for a RMDZ loan, please answer #13:

13. What do you like BEST about the RMDZ Loan program?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Least? \_\_\_\_\_  
\_\_\_\_\_

14. How would you improve the RMDZ program?

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15. Would you like us to contact you about assistance which may be available to your business?

☐ Yes      ☐ No

16. Do you have any additional comments? (Use additional pages as needed.)

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Thank you for taking the time to complete this questionnaire. Please return or fax it by  
**DECEMBER 1, 1995** to :

Mary Farr  
CIWMB  
8800 Cal Center Drive  
Sacramento, CA 95826  
Fax: (916) 255-2573  
Phone: (916) 255-2465



**BUSINESS SURVEY RESULTS**  
(Questions: 1,2,6,8,9,10,12,13,15,16)

Total Surveys Sent: 213  
Total Surveys Reviewed: 42  
Total surveys returned to sender: 17

Response rate: 21%

**Questions #1: Company information:**

Manufacturer: 27  
Broker: 1  
Other: 14

Total Number of Employees: 1137

Total Number of Recycling Jobs: 481

**Questions #2:**

Materials	No. of respondents	Tons/Yr Recycle	End product
Paper	7	2,9677,270	Paper products Building Panels
Plastic	8	18,890	Pellets; Print/Write & Plastic products
Glass	3	150	Glass products
Wood	6	20,500	Bldg/Construction Livestock bedding
Asphalt	6	1,065,800	Bldg/Construction Road base
Concrete	7	1,134,200	Concrete; Solids/Road base
Textiles	2	34,500	Clothing; Furniture
Green Waste	7	90,310	Compost/Mulch
Metal	0		
Other	5	68,000	Castings; Paint products; Scrap wallboard

**Question #6: Planned Expansion:**

Yes: 25    No: 1    Unsure: 7    N/A: 4

**Question #8:**

**8a: Received RMDZ Assistance:**

Yes: 14    No: 17    N/A: 6

**8b: List of services deemed most important**  
(1 = most important; 5=least important)

- 1a. Low Interest Loans with reasonable collateral
  - b. Help in processing the application
  - c. Help in receiving the grant
  - d. Seminars
  - e. Technical assistance
- 
- 2a. Contacts w/County/State/Private Recycling Professionals
  - b. Introduction into various feedstock markets
  - c. Immediate access to staff for problem solving
- 
- 3a. General information
  - b. Competitive interest rate on loans
- 
4. Ability to meet CIWMB at site, rather than Sacramento

**Question #9: Increase in the use of recyclable materials due to RMDZ:**

Yes: 11    No: 11    N/A: 14

**Question #10: Jobs created because of the RMDZ assistance:**

No response: 24  
Jobs were not created due to RMDZ: 7  
Jobs created due to RMDZ: 109

**Question #12: Ways in which RMDZ Program can assist your business:**  
(1 = most important; 5 = least important)

- 1a. Public education to increase recycling rate/demand for recycled content products.
- b. Reduce the paperwork required for the program..

Question #12: (Cont'd)

- c. Provide technical assistance.
  - d. Call back promptly and help with individual programs.
  - e. Require recipients of loan funds to pick up all recycled waste from referrals.
  - f. Make soft loans w/modest collateral.
  - g. Mandate percent usage of recycled content mandatory in furniture goods.
  - h. Require Local/City/State Governments to purchase products from loan recipients, when practical.
  - i. Expedite paperwork for an existing, proven business.
  - j. Remove 70% collateral requirements for 50% loan amount.
  - k. Reduce time between filing application and receiving funds.
  - l. Simplify loan process.
  - m. Omit tiered permitting.
- 2a. Get State Government officials to meet with recycle businesses.
- b. Shift approved specific zones.
  - c. Omit application fee.
  - d. Consider "volume" in lieu of "tons" when calculating material diverted from landfills. Example: 10,000 tons of textile waste uses more space than 10,000 tons of metal.
- 3a. Provide regulations to encourage diversion of scrap from landfills.
- b. Help loan recipients with local education programs.
  - c. Maintain loans for private firms only. Public agencies are unfair competitors to private firms.
- 4a. Provide follow-up.
- b. Help market finished products.
- 5a. Assign one staff member to each company to help resolve their problems.
- b. Provide recommendations to other parts of the State and Counties.
  - c. Evaluation process is too harsh. Standard banking practices should be adopted in lieu of current agreements.

Question #13: Satisfaction with RMDZ loan program:

	<u>Best</u>	<u>Least</u>
Low-Interest Loans	10	
Long-Terms	2	
AB 939		1
Staff Cooperation	2	
Paperwork		3
	3	

Question #13: (cont'd)

	<u>Best</u>	<u>Least</u>
Loan Processing	1	1
Loan Fee		1
Community Recognition	1	
Seminars	1	
Required Collateral		

Question #15: Do you wish further assistance:

Yes: 19 No: 8 N/A: 8

Question #16: Additional Comments:

1. Staff did not follow-through and did not contact applicant regarding grant.
2. RMDZ help could be used in setting up a wastestream in textiles in San Francisco. Also, RMDZ could mediate negotiations between business and City.
3. Recyclers are refusing to pick up polyurethane foam. Provide curbside pick-up for foam.
4. Christy Beaman has been most helpful in introducing us to recycling interests and forwarding information.
5. Not enough information provided in initial packet regarding collateral.
6. Too many conflicting requirements between State, County and Federal agencies.
7. Provide loans to those who cannot qualify for bank loans.
8. Provide assistance in marketing and production of new products.
9. Make loan evaluation criteria available to the applicants early in the process.

# BUSINESS SURVEY RESULTS

	Question 4: Decision to use recycled materials in manufacturing										Question 5: Significance of obstacles to growth of company's recycled material use										Question 7: Decision to site in current location																								
	4a	4b	4c	4d	4e	4f	4g	4h	4i	4j	4k	5a	5b	5c	5d	5e	5f	5g	5h	5i	5j	5k	5l	5m	5n	7a	7b	7c	7d	7e	7f	7g	7h	7i	7j	7k	7l	7m	7n	7o	7p				
Respondent	Company philosophy	State RMDZ incentives	Local RMDZ incentives	Lower cost of production	Lower cost of feedstock	Improved Product Quality	Availability of local feedstock	Recycled prod mkt demand	Gov mandated recyc content	Price preference policies	Other	Limited access to capital	Technical limitations	Lack of markets for products	Permitting/Environ regs	Operational costs	Feedstock availability	Incr cost of recycled feedstock	Meeting product specs	Maintaining end-prod quality	Inadequate local incentives	Inadequate state incentives	Lack of gov cooperation	Lack of skilled labor	Other	RMDZ low interest loans	Federal funding	RMDZ business dev assist	Utility rate incentives	Enterprise Zone incentives	Property & housing costs	Adequate labor force	Proximity to raw mat supply	Access to mtrls/customers	Marketing assistance	Permit streamlining assist	Local grants, loans, other	Rail, hwy, air, ship access	ID of feedstock availability	Industrial site availability	Other				
A&M Plastic Recyc																																													
Badger Forest Prod	4	1	1	5	4	2	4	4	1	5		5	1	1	1	4	2	1	1	1	5	5	4	2		2	1	1	1	1	1	3	5	5	1	1	1	4	1	4	2	4			
CA Grey Bears Inc	5	3		3	5	5	5										5								5			5				5	5	5	5									5	
Copp Materials Inc						5	5	5													5		4		5																		5		
Counter/Production	5	1	1	1	3	4	4	4	1	1	1	5	1	2	2	3	1	1	1	2	1	1	1	1	1	3	1	3	1	1	1	1	1	1	1	3	1	1	1	3	1	3	1		
Cranford Inc	5	3	3	2	2	2	4	2	1	1		3	2	2	3	3	3	2	4	3	3	4	2	3		1	1	1	1	1	3	1	3	3	3	3	3	1	3	3	3	5			
DKD Investments	3	1	1	2	2	2	4	3	2	1		3	3	3	4	3	2	1	1	1	3	3	3	1		1	1	1	1	1	1	2	2	3	2	1	1	1	1	1	3	3			
E-cort Div, Kelly Moore	5	1	1	3	5	1	4	1	5	1	5	1	1	5	1	2	1	1	2	3	5	5	5	1		1	1	1	1	1	1	1	5	3	4	4	1	4	4	1					
Encore Ribbon	4	3	3	4	3	2	4	4	2	4		3	1	2	2	2	2	1	2	2	3	3	2	1		1	1	1	1	1	2	2	4	4	2	1	1	4	3	3					
Envirosave	5	5	5	5	5	5	5	5	5	5	5	5	3	3	3	4	3	3	4	5	5	4	4	3		3	4	5	3	4	4	5	5	5	5	5	2	5	5	5	5	5			
Garbage Collection	5	2	2	4	1	5	4	3	1	1	5	4	1	1	4	2	1	1	1	1	3	4	5	1	5		3	3	1	3	3	2	4	5	2	1	3	4	4	4	4	5			
Granite Construction	4						4	2		3		1	1	3		4											1	1	1	1	1	1	1	3	4	1	1	1	1	1	1	1			
Gridcore	4	1	1	3	3	4	4	5	3	3		5	3	2	2	2	3	4	2	3	4	4	2	2		1	3	1	4	3	2	4	4	4	1	4	4	3	3	3					
Hemacinto Rd & Mat	1	1	1	2	2		2	4	1	1	1	2	1	1	4	1	3	1	1	1	4	4	5	1		1	1	1	1	1	1	3	1	4	4	4	1	1	1	1	2	4			
Hughes Missile Sys																					5																								
J.R.S Tires							5	5							5		5	5														5										5			
Jervis Webb Co of CA													5			5			5																										
Kellogg Supply Inc	4	4	4	3	2	4	2	3	3	3		4	4	2	3	3	2	3	4	4	3	3	3	3		3	3	3	4	4	3	4	4	5	4	4	3	3	3	4					
L.A. Fiber company	5	1	1	4	4	1	4	1	1	2		4	4	4	4	3	2	2	5	5	2	2	3	3		5	1	4	4	1	1	4	5	4	2	4	2	2	4	4					
Lazz Products	5	3	3	3	5	3	5	3	3			3	2	4	2	3	2	3	4	4	2	2	2	2																					
Mallard Creek Inc	3	4	4	3	4	4	4	4	1	3		2	4	3	5	3	2	2	2	2	3	3	5	3		1	4	3	1	1	1	4	4	4	1	4	4	3	4	4					
Marplast Inc	1	2	3	5	5	4	5	5	2			5	5	3	5	5	5	1	2	2	2	2	5	5	1	5	5	5	5	5	5	2	3	3	5	2	5	4	5	2					
North Valley Recon	5	4	4	3	3	4	4	5	3	4		3	3	3	3	3	2	3	3	3	3	3	3	3		4	3	3	3	2	4	4	4	3	2	3	2	4	4	5					
Oak Paper Products	5	4	4	3	3	3	4	4	2			5	4	3	3	4	3	5	4	4	4	4	4	3		5	5	4	4	4	3	3	4	4	3	4	4	2	2	3					
Ocean Side Glass Tile	4	3	2	5	5	1	4	3	1	1		5	3	1	1	3	1	1	1	2	4	4	4	1		1	1	1	1	1	1	2	1	3	1	1	1	3	1	1	1	5			
Piastopan N.A., Inc.	5	5	5				3	5	1	1	5	1	5	1	1	4	5	4	5	5	3	3	1	1		1	1	1	3	1	1	1	1	4	1	2	5	4	1	4					
Productivity Ca Inc	4	2	2	1	5	4	3	3	1	2		5	2	1	5	3	3	4	2	2	3	3	2	3		4	1	2	2	1	1	3	2	3	2	1	1	4	2	5					
Recy Earth Prod Inc	5	3	3	3	5	5	5	5	5	3	4	5	1	3	3	3	5	1	2	2	4	4	5	2		5	1	5	1	3	1	1	4	4	1	3	4	1	4	5					
Rossi Transport Serv	5	3	3	2	2	3	5	4	2	4		3	3	3	5	5	3	2	3		5	5	4	3		4	1	4	1	4	2	3	4	4	2	3	1	5	4	5					
Shred Away	1						2	4				1									3	4		2										1	2										
Simi Valley Base, Inc.					5	5											5													5				5											
Sonoma Compost	5	1	1	5	5	3	5	5	3	2		2	2	1	5	3	1	1	3	2	2	2	2	1		1	1	1	2	1	1	1	5	5	1	1	1	1	1	5					
Sta Clara Waste Water	5						4	4				4				4																		4	4			4	4						
Sutta Co	1	1	1	1	1	1	1	5	1	1	1	3	3	5	4	5	1	1	1	1	1	1	1	1		4	3	4	3	5	5	1	5	5	1	4	1	5	5	5					
The Plactory	5	1	1	1	5	3	2	1	1	1		5	2	2	2	3	4	2	3	4	2	2	5	1		1	1	1	1	1	1	4	4	3	1	1	1	1	1	1	1	1			
Tiny Tots Linen												5	1	1	5	3	1	1	1	1	5	5	5	1		1	4	1	1	1	4	5	1	1	1	1	1	1	1	1	4	1			
Triad Energy Resourc	5	1	1	2	5	2	4	3	2	2		4	2	1	2	4	2	2	2	2	2	2	2	4		1	1	1	1	1	3	3	3	4	1	2	2	2	3	3					
Talco Plastics																																													
Valley By-Products							5	5				5	1	2	2	3	3	3	2	2	2	2	1	1		1	1	1	1	1	1	1	5	5	1	4	1	1	5	4					
Valley cmpst & topsoil	5	1	1	1	1	3	5	1	1	1		5	1	1	5	1	5	1	1	1	1	1	4	1		1	1	1	1	1	1	1	5	5	1	1	1	4	5	1	5				
Web Recycling Ctr												5	2	4	5	2					4		3																						

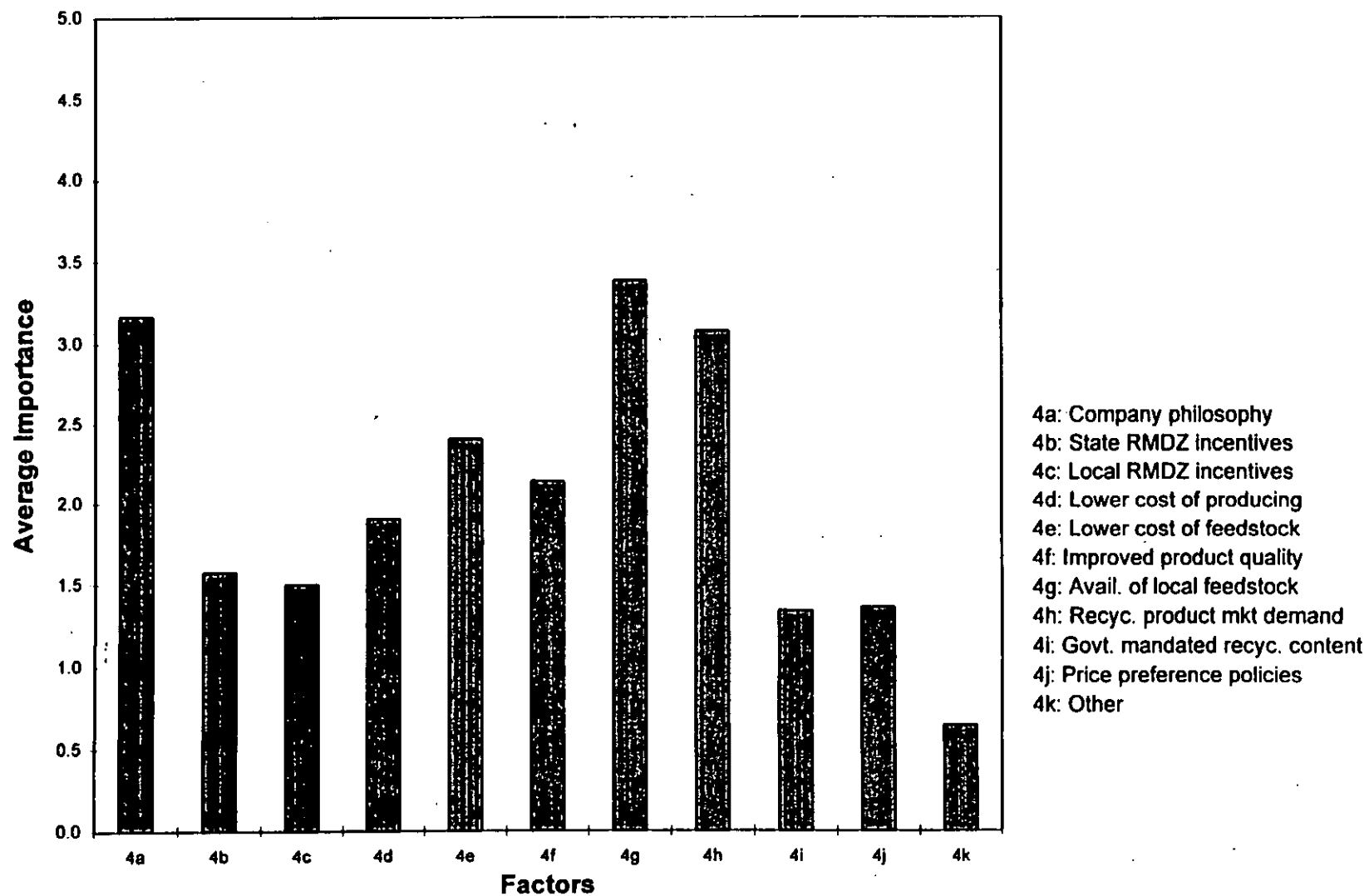
# BUSINESS SURVEY RESULTS

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Question 11: Satisfaction with services received through RMDZ program															
Respondent	11a	11b	11c	11d	11e	11f	11g	11h	11i	11j	11k	11l	11m	11n	11o
	Low-interest loan assistance	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	General info provided	Referral to other info sources	Expeditious credit evaluations	Fair credit evaluations	Expeditious collateral negotins	Fair collateral negotations	Expeditious loan closings	Timely help provided	Other
A&M Plastic Recyc															
Badger Forest Prod	3	1	2	1	1	1	2	1	1	1	1	1	1	1	
CA Grey Bears Inc		5	3				4		5		5		5	5	
Copp Materials Inc					3			4						4	
Counter/Production															
Cranford Inc	3	2	2	2	2	2	3	2	2	2	2	2	1	1	
DKD Investments	5	3	2		2		3	1	3	3	3	3	3	3	
E-cort Div, Kelly Moore															
Encore Ribbon	3	3	1	1	1	1	2	3	2	2	2	2	3	3	
Envirosave		5	5		5		5	5							
Garbage Collection	3	1	1	1	1	1	1	1	1	1	1	1	1	1	
Granite Construction															
Gridcore															
Hemacinto Rd & Mat															
Hughes Missile Sys		4					4	1						4	1
J.R.S Tires															
Jervis Webb Co of CA															
Kellogg Supply Inc															
L.A. Fiber company	5	2	2	2	2	2	3	4	4	5	5	5		5	
Lazz Products															
Mallard Creek Inc															
Marplast Inc	1	2	3	3	4	4	1	1	3	3	3	3	2	1	
North Valley Recon	5	3	3	4	3	3	3	3	4	4	4	4	4	4	
Oak Paper Products															
Ocean Side Glass Tile	4	2	1	1	1	1	2	2	1	1	1	1	1	1	
Plastopan N.A., Inc.	4	3	1		1		3	3	3	3	3	1	4	5	
Productivity Ca Inc	5								4	4	4	4	4	4	
Recy Earth Prod Inc	5	3	2	3	3	3	3	4	5	4	2	2	3	3	
Rossi Transport Serv	2								1	3	1	3	1	1	
Shred Away															
Siml Valley Base, Inc.	5														
Sonoma Compost															
Sta Clara Waste Water															
Surta Co	5	1	1	4	1	1	1	1	3	4	3	4	2	5	
The Plactory	2	5	5	5	5	5	3	5	5	2	3	2	5	4	
Tiny Tots Linen															
Triad Energy Resourc															
Talco Plastics															
Valley By-Products															
Valley cmpst & topsoil	4	1	1	1	1	1	4	2	1	1	1	1	1	4	
Web Recycling Ctr															
Zumbrun Construction	1		1				1	1	3	1	3	1		4	
<b>TOTAL</b>	<b>65</b>	<b>48</b>	<b>38</b>	<b>28</b>	<b>36</b>	<b>25</b>	<b>48</b>	<b>44</b>	<b>61</b>	<b>44</b>	<b>47</b>	<b>40</b>	<b>41</b>	<b>63</b>	<b>1</b>
<b>AVERAGE</b>	<b>3.6</b>	<b>2.7</b>	<b>2.1</b>	<b>2.3</b>	<b>2.3</b>	<b>2.1</b>	<b>2.7</b>	<b>2.4</b>	<b>2.8</b>	<b>2.6</b>	<b>2.6</b>	<b>2.4</b>	<b>2.6</b>	<b>3.2</b>	<b>1.0</b>

## Business Survey - Question 4

IMPORTANCE OF FACTORS IN DECIDING TO  
USE RECYCLED MATERIALS (On a scale of 0-5)

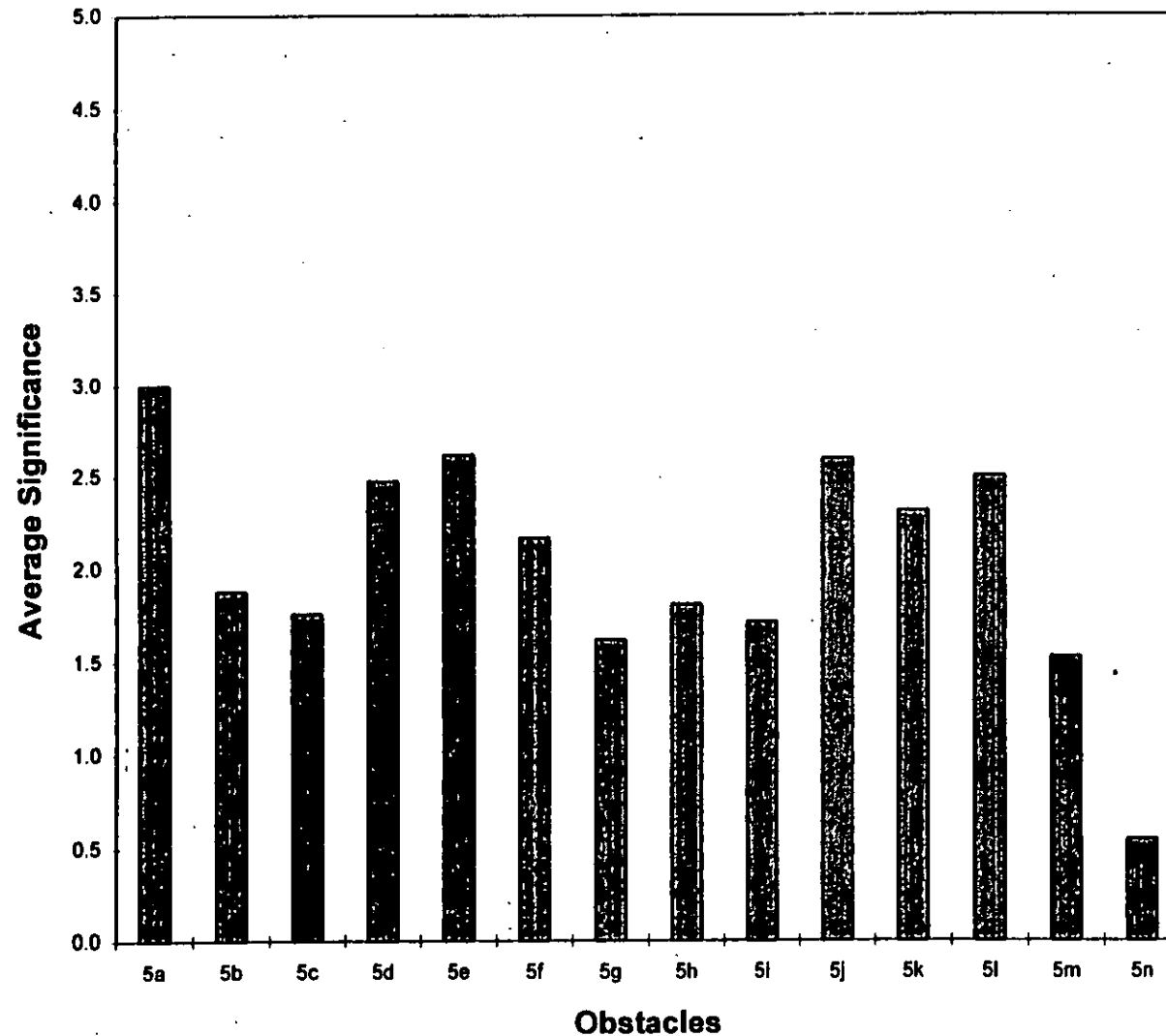


- 4a: Company philosophy
- 4b: State RMDZ incentives
- 4c: Local RMDZ incentives
- 4d: Lower cost of producing
- 4e: Lower cost of feedstock
- 4f: Improved product quality
- 4g: Avail. of local feedstock
- 4h: Recyc. product mkt demand
- 4i: Govt. mandated recyc. content
- 4j: Price preference policies
- 4k: Other

## Business Survey - Question 5

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**SIGNIFICANCE OF OBSTACLES TO THE GROWTH OF BUSINESSES'  
USE OF RECYCLED MATERIALS (On a scale of 0-5)**

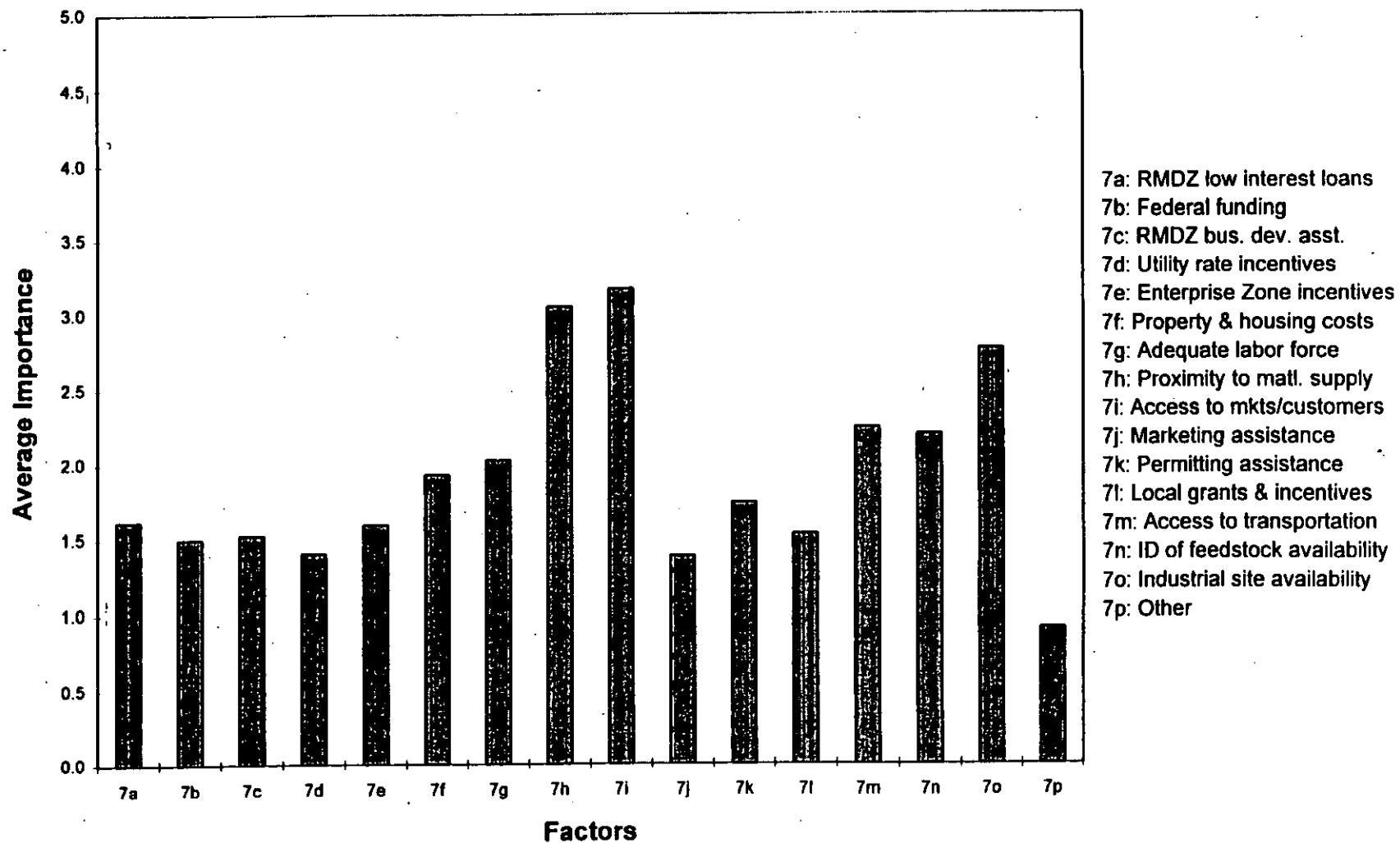


- 5a: Limited access to capital
- 5b: Technical limitations
- 5c: Lack of markets for products
- 5d: Permitting/Environ. regs
- 5e: Operational costs
- 5f: Feedstock availability
- 5g: Increased cost of recy. feedstk
- 5h: Meeting products specs
- 5i: Maintaining end-product quality
- 5j: Inadequate local incentives
- 5k: Inadequate state incentives
- 5l: Lack of gov. cooperation
- 5m: Lack of skilled labor
- 5n: Other



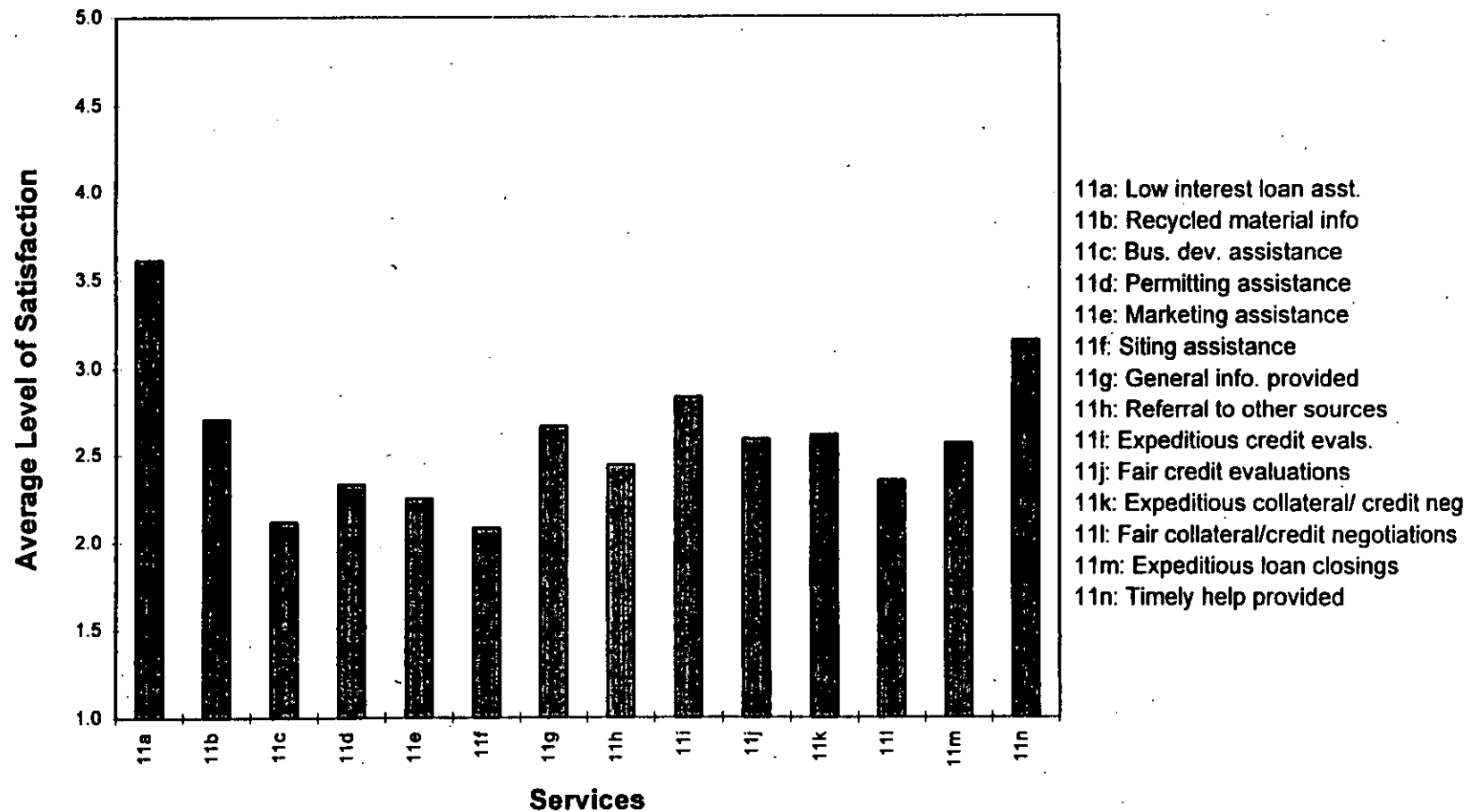
## Business Survey - Question 7

### IMPORTANCE OF FACTORS TO BUSINESSES WHEN SELECTING A SITE (On a scale of 0-5)



## Business Survey - Question 11

### LEVEL OF SATISFACTION WITH RMDZ PROGRAM SERVICES (On a scale of 1-5)



APPENDIX D

SURVEY TO ECONOMIC DEVELOPMENT  
PROFESSIONALS AND RESULTS

Table of contents

Economic development professionals survey form

Economic development professionals survey results  
(Questions: 2,3,9,10,11,12)

Economic development professionals survey results  
(Questions: 4,5,6,7,8)

Bar chart results (Questions: 4,5,6,7,8)

# Recycling Market Development Zone Program

## Survey of Economic Development Professionals

1. Organization Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone (\_\_\_\_) \_\_\_\_\_

2. Are you aware of the State of California's Recycling Market Development Zone (RMDZ) program?

☐ Yes ☐ No

3. How many businesses using recycled materials in their manufacturing processes do you assist each year? (Please check all that apply.)

☐ New # \_\_\_\_\_  
☐ Expanded # \_\_\_\_\_  
☐ Retained # \_\_\_\_\_  
☐ Attracted # \_\_\_\_\_  
☐ Other \_\_\_\_\_ # \_\_\_\_\_

4. If you have provided assistance to recycling based manufacturers, on a scale 1-5 (5 being most frequent) please indicate the frequency of the following types of assistance provided:

Needs were handled by local resources	1	2	3	4	5
Referred to the RMDZ loan program	1	2	3	4	5
Referred to the RMDZ for other assistance	1	2	3	4	5
Business development plans were created	1	2	3	4	5
Requested local or other government guaranteed loans	1	2	3	4	5
Businesses received environmental assistance	1	2	3	4	5
Other: _____					

5. On a scale 1-5 (5 being most important), please indicate the importance of the following to a business deciding NOT to site in a particular location (e.g., RMDZ):

Lack of knowledge on the program	1	2	3	4	5
Access to markets	1	2	3	4	5
Lack of demand for recycled materials & products	1	2	3	4	5
Not eligible for RMDZ loan	1	2	3	4	5
Inadequate local incentives (specify) _____	1	2	3	4	5
Inadequate State incentives (specify) _____	1	2	3	4	5
Inadequate recycled materials supply	1	2	3	4	5
Inadequate transportation network (roads, rail, etc.)	1	2	3	4	5
Property and housing costs	1	2	3	4	5

Operation costs	1	2	3	4	5
Lack of skilled labor	1	2	3	4	5
Permitting issues/Environmental regulations	1	2	3	4	5
Other: (specify) _____	1	2	3	4	5

6. On a scale of 1-5 (5 being most important), please indicate the importance of the following to a manufacturer selecting a location to site:

RMDZ low interest loans	1	2	3	4	5
Utility rate incentives	1	2	3	4	5
Enterprise Zone incentives	1	2	3	4	5
RMDZ marketing assistance	1	2	3	4	5
Business development assistance	1	2	3	4	5
Housing & property costs	1	2	3	4	5
Operation costs	1	2	3	4	5
Adequate labor force	1	2	3	4	5
Proximity to material supply	1	2	3	4	5
Access to markets/customers	1	2	3	4	5
Permit streamlining assistance	1	2	3	4	5
Local grants, loans & other incentives	1	2	3	4	5
Access to rail lines, highways, airports or shipping	1	2	3	4	5
Identification of raw material availability	1	2	3	4	5
Industrial site availability	1	2	3	4	5
Others (specify) _____	1	2	3	4	5
_____	1	2	3	4	5

7. On a scale 1-5 (5 being most important), which of the following would contribute to future successes in retaining, expanding, and attracting businesses?

Business recruitment assistance	1	2	3	4	5
Funding for marketing materials (e.g. brochures)	1	2	3	4	5
Funding for administrative costs	1	2	3	4	5
Identification of available grants (nationwide)	1	2	3	4	5
Local business workshops	1	2	3	4	5
Attending statewide business conferences	1	2	3	4	5
Attending nationwide business conferences	1	2	3	4	5
Waste management information	1	2	3	4	5
Economic development training	1	2	3	4	5
Tax credits	1	2	3	4	5
Hiring credits	1	2	3	4	5
Others: _____	1	2	3	4	5
_____	1	2	3	4	5

8. If you have received services through the RMDZ program, on a scale of 1-5 (5 being most satisfied), please indicate your level of satisfaction with the program: (Please mark all that apply.)

Recycled materials information	1	2	3	4	5
Business development assistance	1	2	3	4	5
Permitting assistance	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Siting assistance	1	2	3	4	5
Closing of loans was expeditious	1	2	3	4	5
Referral to other sources of information	1	2	3	4	5
Help was provided in timely manner	1	2	3	4	5
Assisted in business recruitment	1	2	3	4	5
Recruited businesses were screened quickly	1	2	3	4	5
Other: _____	1	2	3	4	5
_____	1	2	3	4	5

9. Please list in order of importance, other ways the Board can help businesses:  
1 = most important; 5 = least important;

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

If you have received services from the RMDZ Loan program, please answer #10:

10. What do you like BEST about the RMDZ Loan program?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

LEAST? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. If you know about the RMDZ program, how would you improve it to meet the needs of businesses?

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12. Do you have any additional comments? (Use additional pages as needed.)

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Thank you for taking the time to complete this questionnaire. Please return or fax it by  
**DECEMBER 1, 1995** to :

Mary Farr  
CIWMB  
8800 Cal Center Drive  
Sacramento, CA 95826  
Fax: (916) 255-2573  
Phone: (916) 255-2465

**ECONOMIC DEVELOPMENT PROFESSIONALS  
SURVEY RESULTS**  
(Questions: 2,3,8,9,10,11,12)

Total surveys sent: 55

Total surveys reviewed: 14

Response rate: 25%

**Question #2: Knowledge of Program:**

Yes: 14                      No: 0

**Question #3: Recycling Businesses Assisted:**

New:	33
Expanded:	24
Retained:	13
Attracted:	7
Other:	4

**Question # 9: Ways the Board could help businesses?**

(1 = most important; 5 = least important)

- 1a. Make business assistance program available
- b. Provide data in a timely manner
- c. Fast-track permitting
- d. Make program/paperwork easier to understand
- e. Provide financial incentives
- f. Expand financial parameter
- g. Technical Assistance
- h. Develop additional incentives to make a difference between locating inside or outside a Zone.
- i. Availability of loan program at all time rather than quarterly
- j. Push for recycled product requirements in state and federal procurement
  
- 2a. More marketing of the program role (making information available to cities)
- b. Streamline loan closings
- c. Expedite loan processing
- d. Siting assistance and development regulations
- e. Act as information clearinghouse: technology, feedstock, markets, resources, feasibility evaluations.
- f. Utilize some RMDZ loan monies for businesses less than 3 years.
  
- 3a. Provide environmental regulation incentives
- b. Provide more incentives, in general
- c. Provide business plan assistance to build capacity



**Question #9: (Cont'd)**

4. Provide supply & market assistance
5. Provide grants & additional funding

**Question #10: Like BEST about the RMDZ program:**

- a. Local staff is very helpful
- b. Business assistance and knowledge of sites
- c. Financing availability
- d. Potential to be more effective (resources are available)
- e. Program philosophy goals
- f. Easy to understand
- g. Staff have been very responsible and informative

**Like LEAST about the RMDZ program:**

- a. Not enough financial incentives
- b. Beside the loan program, unclear for an economic person to market the RMDZ incentives
- c. Business technical assistance (2)
- d. Fast tracking
- e. Not much to offer

**Question #11: Ways Board could improve the RMDZ program to help businesses:**

- a. Expand financial assistance
- b. Allow higher limits on loans
- c. Provide loan guarantees
- d. Expedited land use and environmental permitting
- e. Provide tax credits
- f. Expand definition of recycled materials
- g. Expand the loan program
- h. Allow local agencies determine what ideas should be funded
- i. Better accessibility to Board staff
- j. Additional incentives
- k. Support technology research
- l. Improve marketing of the RMDZ program; what kind of assistance provided
- m. Scrap zone concept and simply treat the whole businesses as statewide diversion program providing below market debt to businesses diverting waste.

**Question #12: Additional comments:**

1. Funding assistance for local agencies for quality feasibility studies
2. Program has great potential to be innovative and effective

## ECONOMIC DEVELOPMENT PROFESSIONALS SURVEY RESULTS

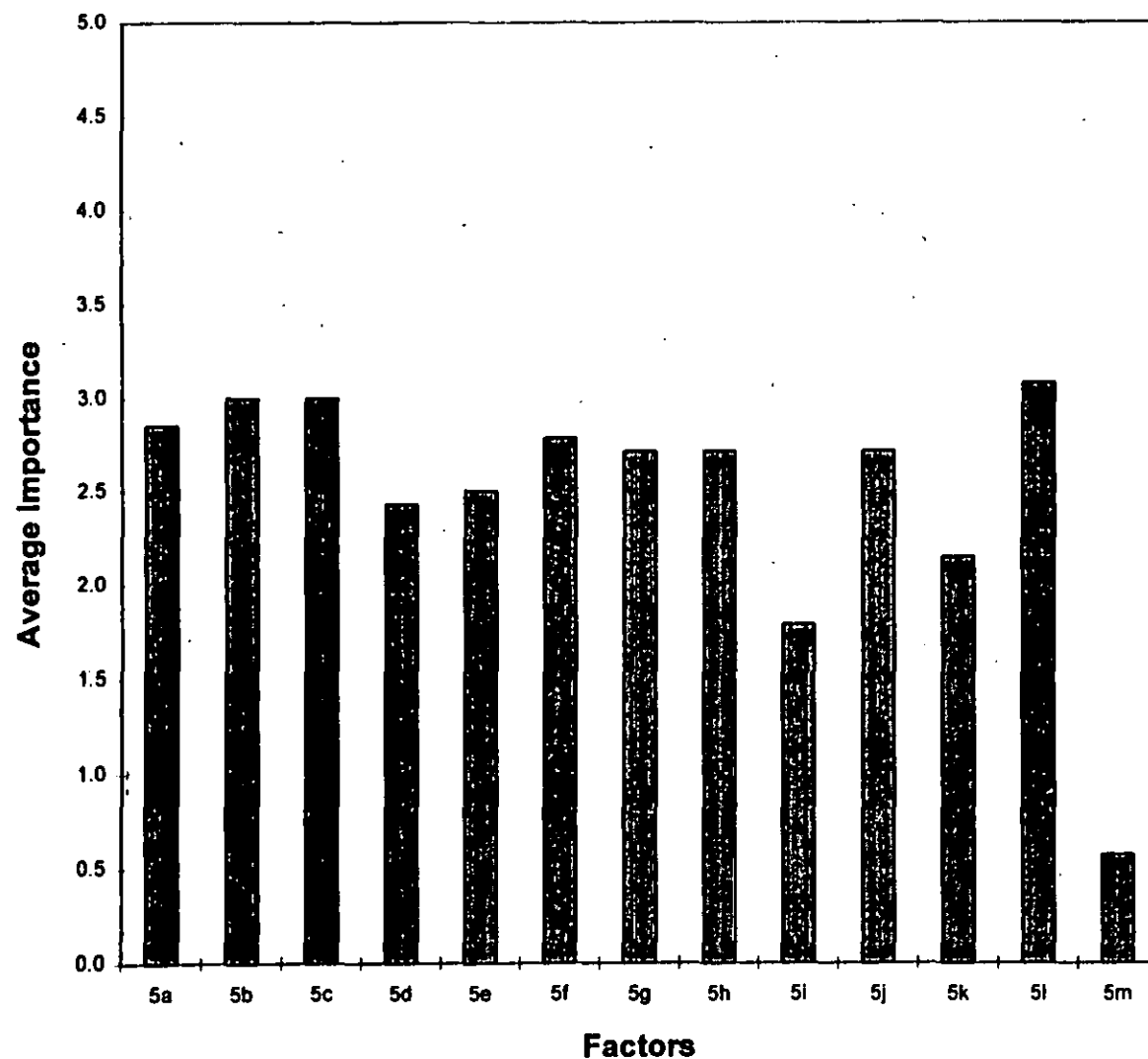
	Question 4: Frequency of assistance							Question 5: Decision <u>NOT</u> to site in a particular location													Question 6: Selection of manufacturing site															
	4a	4b	4c	4d	4e	4f	4g	5a	5b	5c	5d	5e	5f	5g	5h	5i	5j	5k	5l	5m	6a	6b	6c	6d	6e	6f	6g	6h	6i	6j	6k	6l	6m	6n	6o	6p
Respondent	Needs handled by loc resource	Referred to RMDZ loan prog	Referred to RMDZ for assist	Business dev plans created	Req gov guaranteed loans	Bus received environ assist	Other	Lack of incentive prog knowledge	Access to markets	Lack of markets for products	Not eligible for RMDZ loan	Inadequate local incentives	Inadequate state incentives	Inadequate recyc matt supply	Inadequate transp network	Property & housing costs	Operation costs	Lack of skilled labor	Permitting/Environ regs	Other	RMDZ low interest loans	Utility rate incentives	Enterprise Zone incentives	RMDZ marketing assistance	Business dev assistance	Property & housing costs	Operation costs	Adequate labor force	Proximity to raw matt supply	Access to mkts/customers	Permit streamlining assist	Local grants, loans, other	Rail, hiway, air, ship access	ID of feedstock availability	Industrial site availability	Other
Bakersfield City ED	4	3	3	1	1	3		2	4	2	2	4	5	2	5	2	2	3	3		2	2	5	2	4	2	2	3	3	5	3	5	4	2	4	
C B Commercial	4	3	3		4			3		2		3		4	4		5		4	5		4	3	4				4	4			4	4	4		5
Ca Trade & Commere	4	2	3	1	4	5		1		2	2	4	4	2	3	4	4	1	5		4	4	5	3	5	3	3	2	3	3	5	5	4	3	5	
City of Oroville	1		1					5	3	3	5	2	4	3	3	1	4	1	5		5	4	5	3	4	1	4	5	4	4	5	5	4	4		1
City of Pomona								5				4				3			2	1								3				5	4		1	2
Crown EDC	1	4	5	4	3	1		2	2	4	5	1	4	3	5	3	3	4	1	2		1	5	5	3	1	3	5	5	4	3	4	4	3	4	3
Eureka Redev. Agenc	4	5	2	4	4	3		3	5	3	2	1	1	4	5	3	2	3	5		4	4	4	4	4	4	3	4	5	5	4	4	5	5	4	
Fresno EDC	4	5	5	4	3	2		2	5	5	2	5	5	3	3	1	5	2	5		3	2	2	3	4	2	5	2	4	4	3	4	4	4	5	
Riverside County EDA	4	4	3	3	4	4		4	4	5	3	3	5	5	3	3	3	3	5		4	5	5	3	5	4	4	4	4	4	4	5	4	4	4	4
Sac Housing & Redev	5	5	5	2	1	4		3	1	1	5			1	1	1	1	1	1		5	4	3	4	5	1	5	4	5	5	4	4	4	5	5	5
San Bernardino ED	5	2	5	5	5	5		2	3	5	1	2	4	2	1	1	1	1	1		1	3	3	1	4	4	4	5	5	5	4	4	5	5	4	
Siskiyou County ED	5	1	4	4	3	1		1	5	4	1	1	1	3	3	1	5	5	3		1	3	3	1	1	5	5	4	4	4	3	2	4	3	4	
Stockton City ED	4	2	1	1	3	2		4	5	2	2	2	2	3	1	1	1	2	3		2	4	5	2	2	2	3	5	4	5	5	3	5	3	5	
Tulare County EDC	5	2	1	2	3	1		3	5	4	4	3	4	3	1	1	2	4			4	4	4	4	3	3	4	4	4	4	5	5	5	5	5	
TOTAL	60	38	41	31	38	31	0	40	42	42	34	35	39	38	38	25	38	30	43	8	40	47	53	33	42	34	47	54	53	51	49	59	60	50	50	20
AVERAGE	3.6	2.7	2.9	2.2	2.7	2.2	0.0	2.9	3.0	3.0	2.4	2.5	2.8	2.7	2.7	1.8	2.7	2.1	3.1	0.6	2.9	3.4	3.8	2.4	3.0	2.4	3.4	3.9	3.8	3.6	3.5	4.2	4.3	3.6	3.8	1.4

# ECONOMIC DEVELOPMENT PROFESSIONALS SURVEY RESULTS

	Question 7: Contribution to future successes in retaining, expanding, attracting business												Question 8: Satisfaction with services received through RMDZ program											
	7a	7b	7c	7d	7e	7f	7g	7h	7i	7j	7k	7l	8a	8b	8c	8d	8e	8f	8g	8h	8i	8j	8k	
Respondent	Bus recruitment assistance	Marketing matls funding	Administrative costs funding	ID of available grants	Local business workshops	Attending statewide bus confs	Attending national bus confs	Waste management info	Economic dev training	Tax credits	Hiring credits	Other	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	Expeditious loan closings	Referral to other info sources	Timely help provided	Assisted in bus recruitment	Recruited bus screened quickly	Other	
Bakersfield City ED	4	2	3	4	2	2	2	2	3	4	4		4		4					4				
C B Commercial										5	5		5	3	4	3	5	2	4	5	4	4		
Ca Trade & Commere	3	3	4	5	2	2	2	4	4	5	5		5	3	4	2	1	4		3	2	2		
City of Oroville	3	5	3	5	4	3	1	2	2	5	5	5	4	2	2	2								
City of Pomona	3	2		5						4														
Crown EDC	5	3	3	4	1	2	2	3	2	5	5	3	3	2	3	3	3	3	4	3	2	3	2	
Eureka Redev. Agenc	4	4	4	4	4	3		4	4	5	5													
Fresno EDC	4	4	5	5	3	3	3	4	2	4	4		3	3	2	2	2	2	3	3	2	3		
Riverside County EDA	5	5	5	4	4	5	4	4	3	5	5		3	3	4	2	3	3	4	4	4	4		
Sac Housing & Redev	5	4	4	4	5	4	2	4	4	4	4	4												
San Bernardino ED	5	5	5	3	3	2	2	4	4	5	5		5	4	3			4		5				
Siskiyou County ED	2	5	5	3	1	1	1	2	2	4	4		4	2	1	5	2	5	5	5	1	1		
Stockton City ED	2	2	2	5	3	2	2	3	3	5	5													
Tulare County EDC	4	4	4	5	1	1	1	3	1	5	5		3	3		3		1	3	3				
TOTAL	49	48	47	56	33	30	22	39	34	65	61	12	34	22	23	20	16	24	23	35	15	17	2	
AVERAGE	3.5	3.4	3.4	4.0	2.4	2.1	1.6	2.8	2.4	4.6	4.4	0.9	3.8	2.8	2.9	2.9	2.7	3.0	3.8	3.9	2.5	2.8	2.0	

## Economic Development Professionals Survey - Question 5

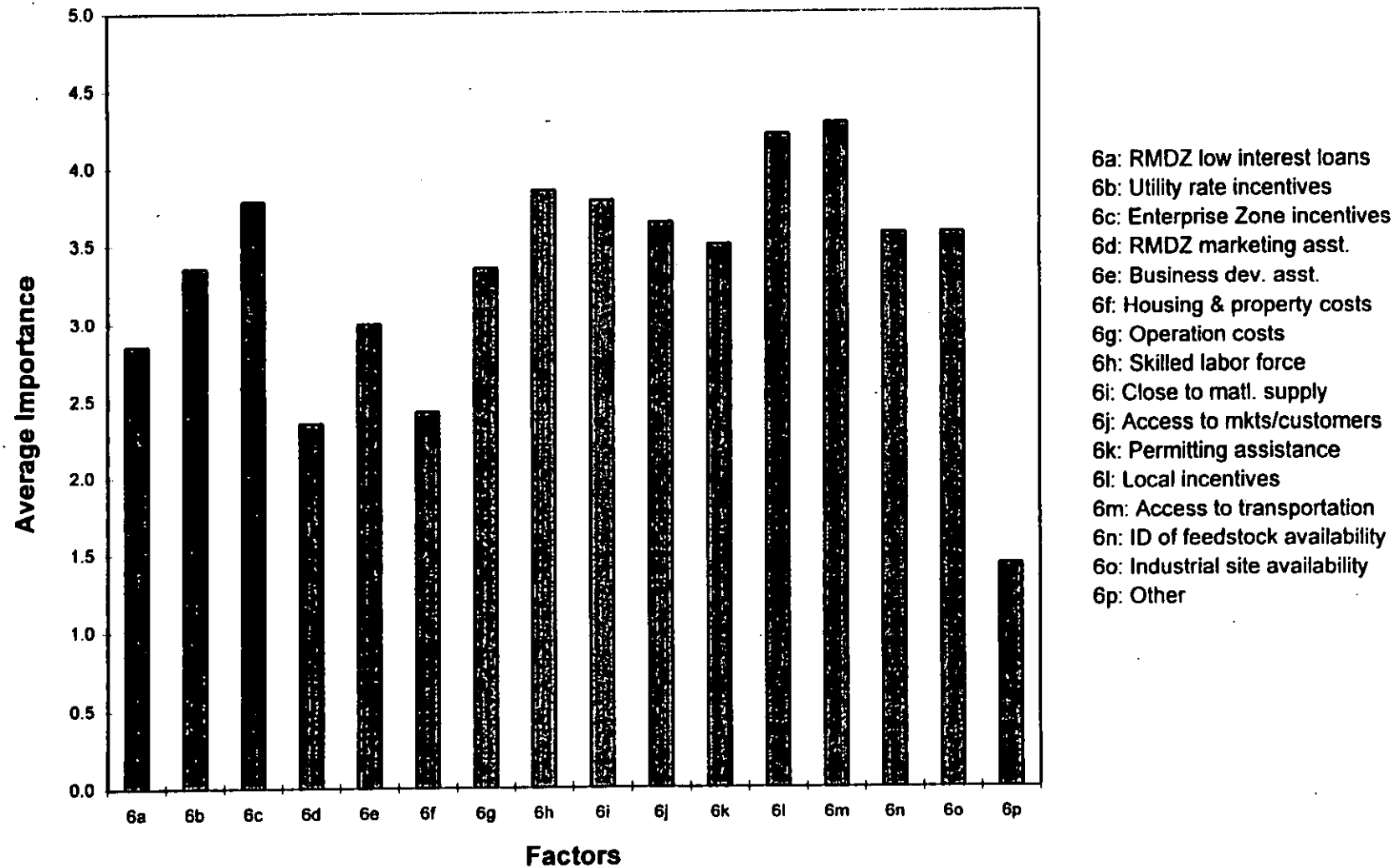
IMPORTANCE OF FACTORS IN DETERRING BUSINESSES  
FROM LOCATING IN A PARTICULAR LOCATION (On a scale of 0-5)



- 5a: No knowledge of program
- 5b: Mkt. access for recycled products
- 5c: Lack of demand for recyc. products
- 5d: Not eligible for RMDZ loan
- 5e: Inadequate local incentives
- 5f: Inadequate state incentives
- 5g: Inadequate recyc. matl. supply
- 5h: Inadequate transportation
- 5i: Property & housing costs
- 5j: Operating costs
- 5k: Lack of skilled labor
- 5l: Permitting/environmental regs.
- 5m: Other

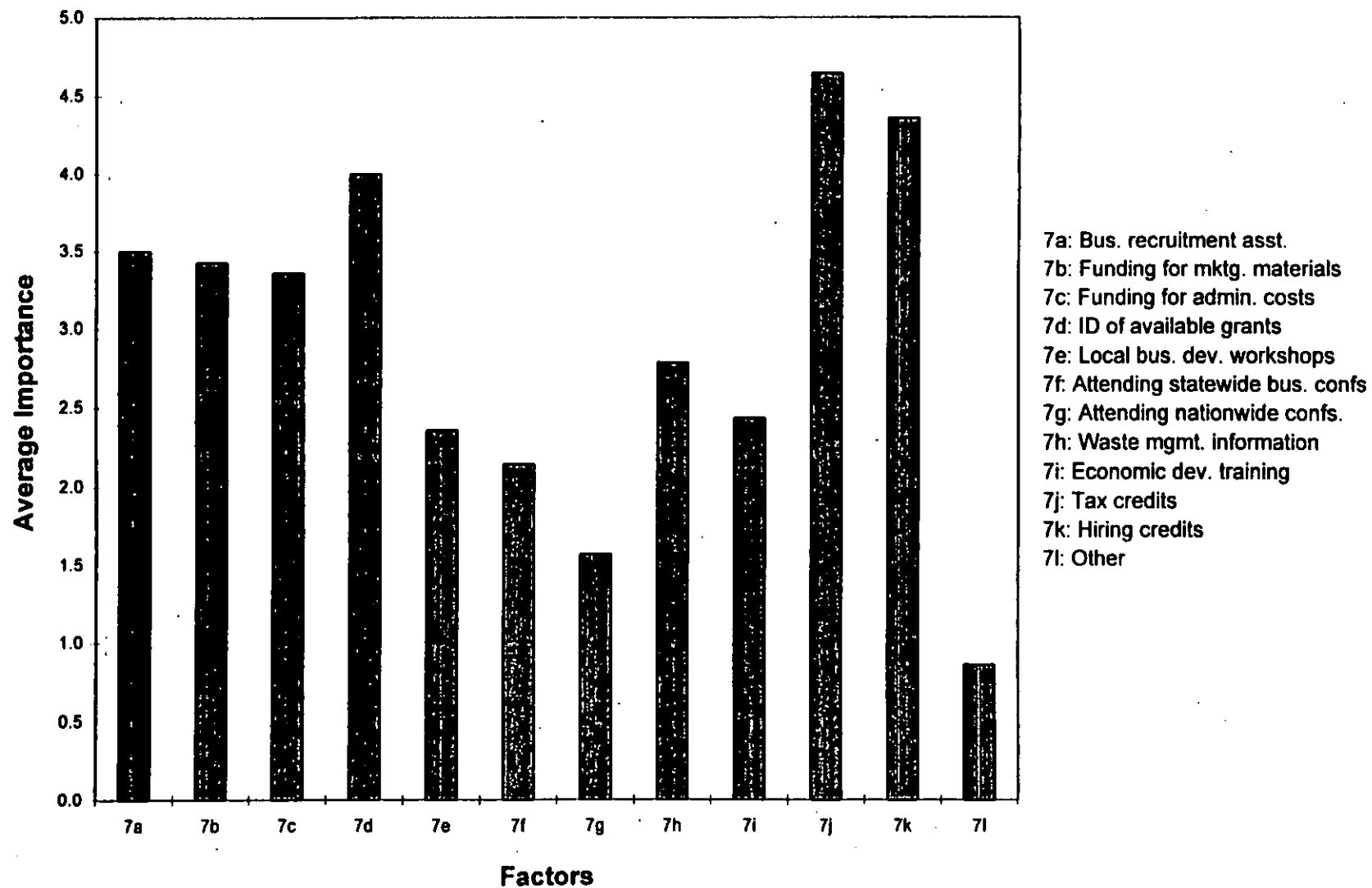
## Economic Development Professionals Survey - Question 6

IMPORTANCE OF FACTORS TO BUSINESSES  
WHEN SELECTING A SITE (On a scale of 0-5)

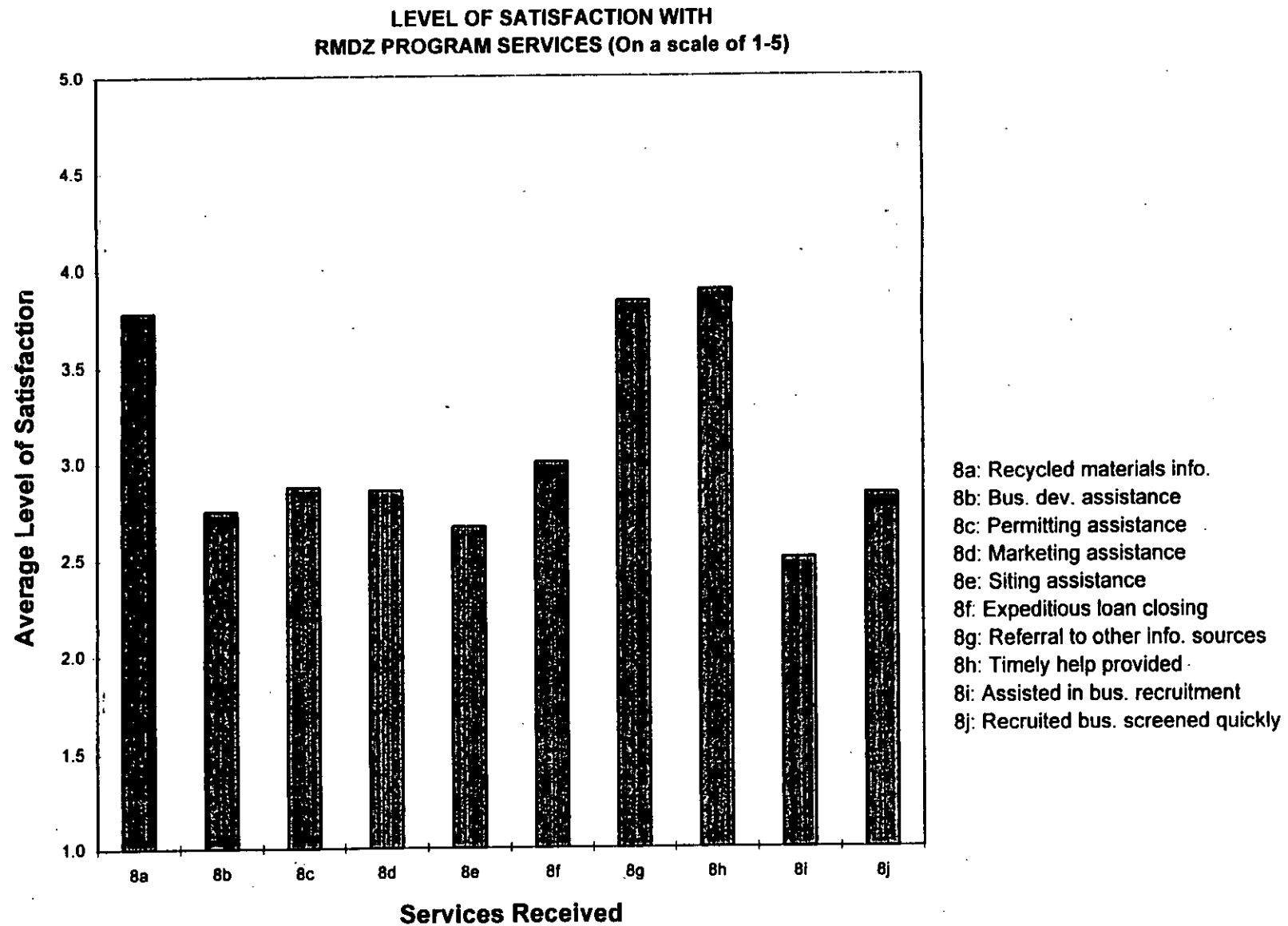


## Economic Development Professionals Survey - Question 7

IMPORTANCE OF FACTORS IN RETAINING, EXPANDING,  
AND ATTRACTING BUSINESSES (On a scale of 0-5)



## Economic Development Professionals Survey - Question 8



APPENDIX E

COMPARISON OF SURVEY RESPONSES BY ZONE ADMINISTRATORS,  
ECONOMIC DEVELOPMENT PROFESSIONALS AND BUSINESSES





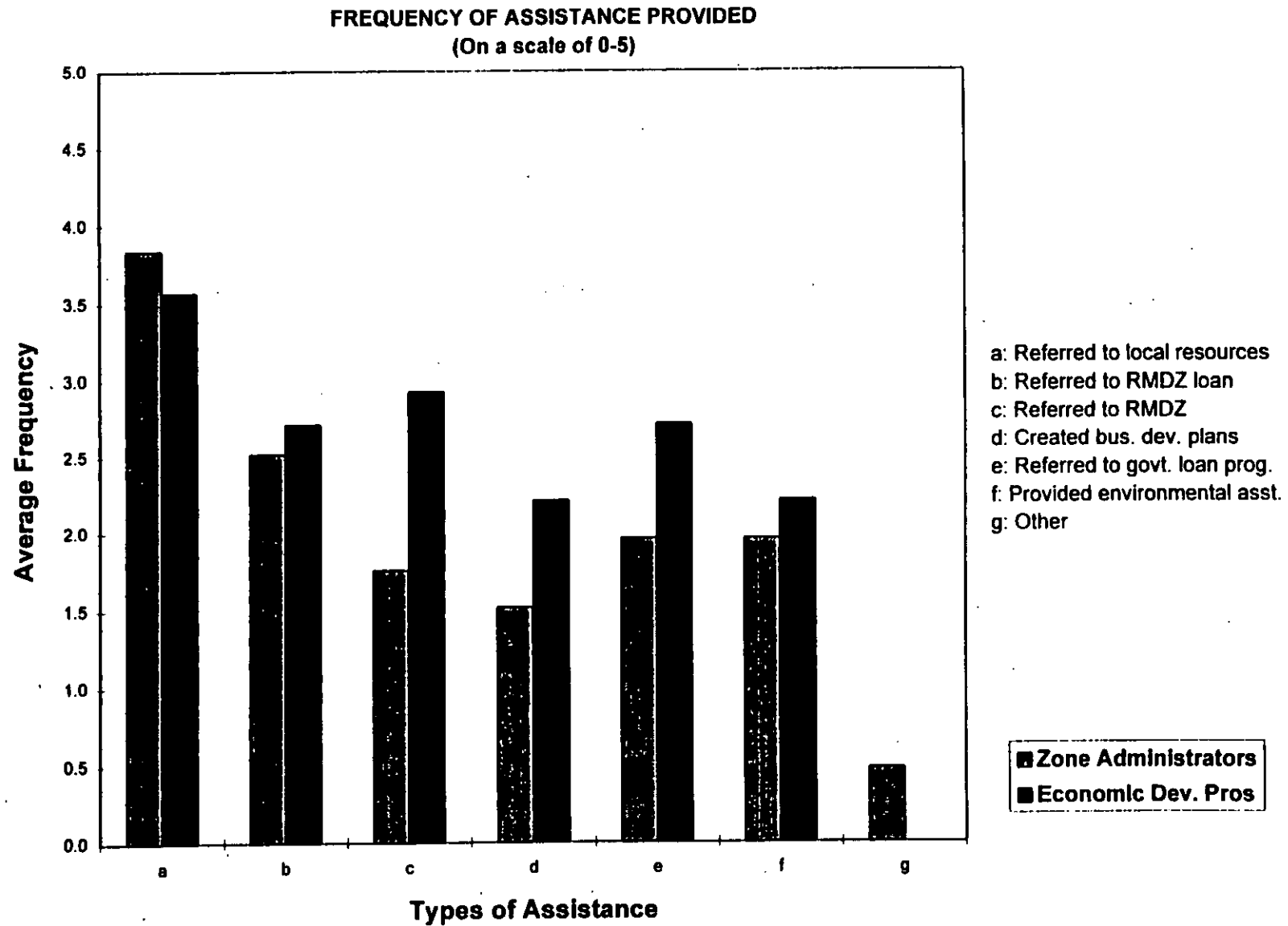
**COMPARISON OF SURVEY RESULTS**  
(Zone Administrators, Economic Development Professionals, and Businesses)

Question >	Selection of manufacturing site														Satisfaction with services received through RMDZ program							
	a	b	c	d	e	f	g	h	i	j	k	l	m	n	a	b	c	d	e	f	g	h
Respondent	RMDZ low interest loans	Utility rate incentives	Enterprise Zone incentives	Property & housing costs	Adequate labor force	Proximity to raw mat supply	Access to mkts/customers	Marketing assistance	Permit streamlining assist	Local grants, loans, other	Rail, hiway, air, ship access	ID of feedstock availability	Industrial site availability	Other	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	Referral to other info sources	Expeditions loan closings	Timely help provided
Zone Administrators	2.7	2.8	2.5	3.3	3.3	3.5	3.9	2.2	3.4	3.2	3.5	3.3	3.9	0.6	3.8	3.4	2.7	3.3	2.7	3.9	3.1	4.0
Economic Dev. Pros	2.9	3.4	3.8	2.4	3.9	3.8	3.8	2.4	3.5	4.2	4.3	3.8	3.6	1.4	3.8	2.8	2.9	2.9	2.7	3.8	3.0	3.9
Businesses	1.6	1.4	1.6	1.9	2.0	3.0	3.2	1.4	1.7	1.6	2.2	2.2	2.8	0.9	2.7	2.1	2.3	2.3	2.1	2.4	2.6	3.2

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## Comparison Between Survey Responses

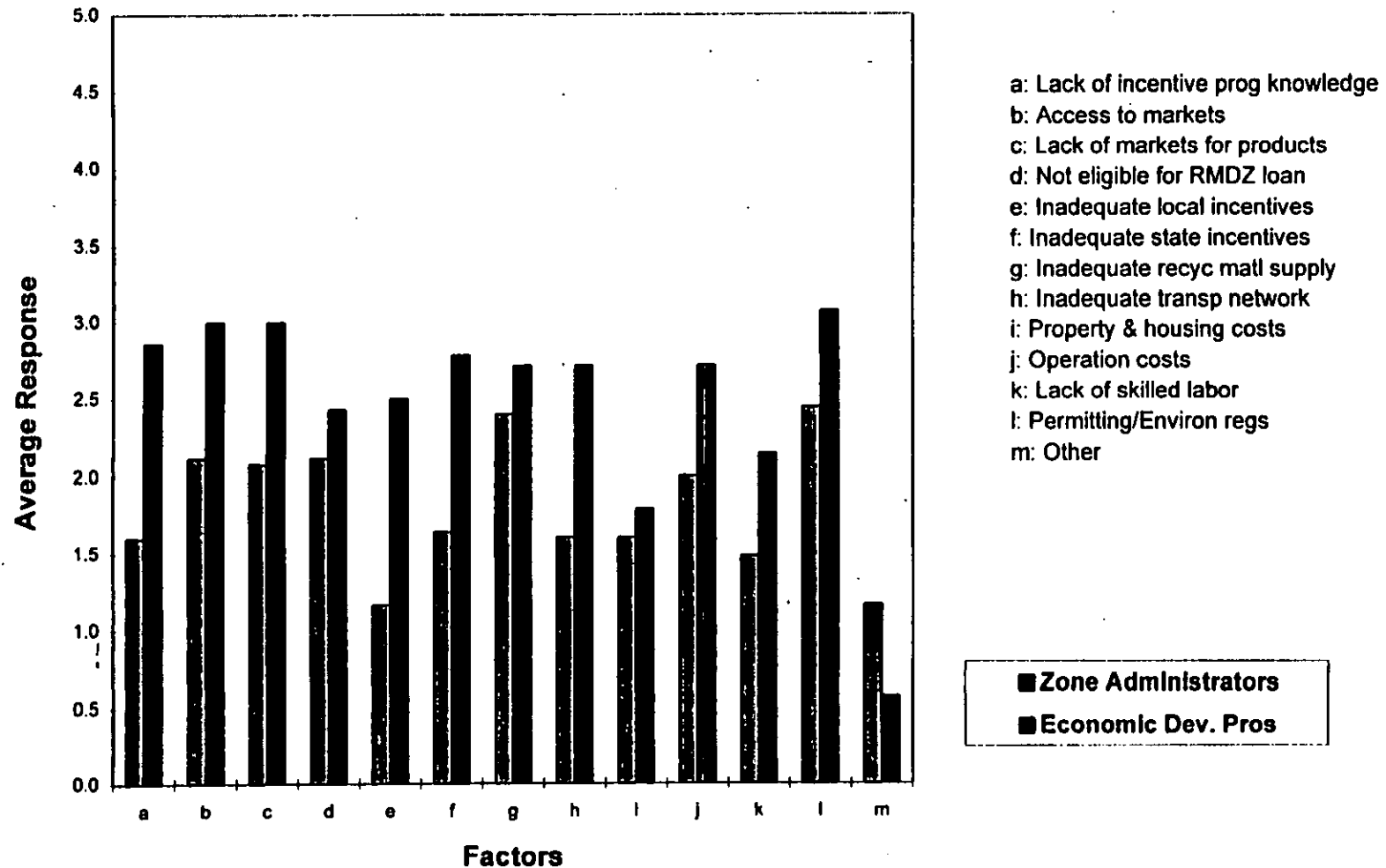
(Zone Administrators vs. Economic Development Professionals)



## Comparison Between Survey Responses

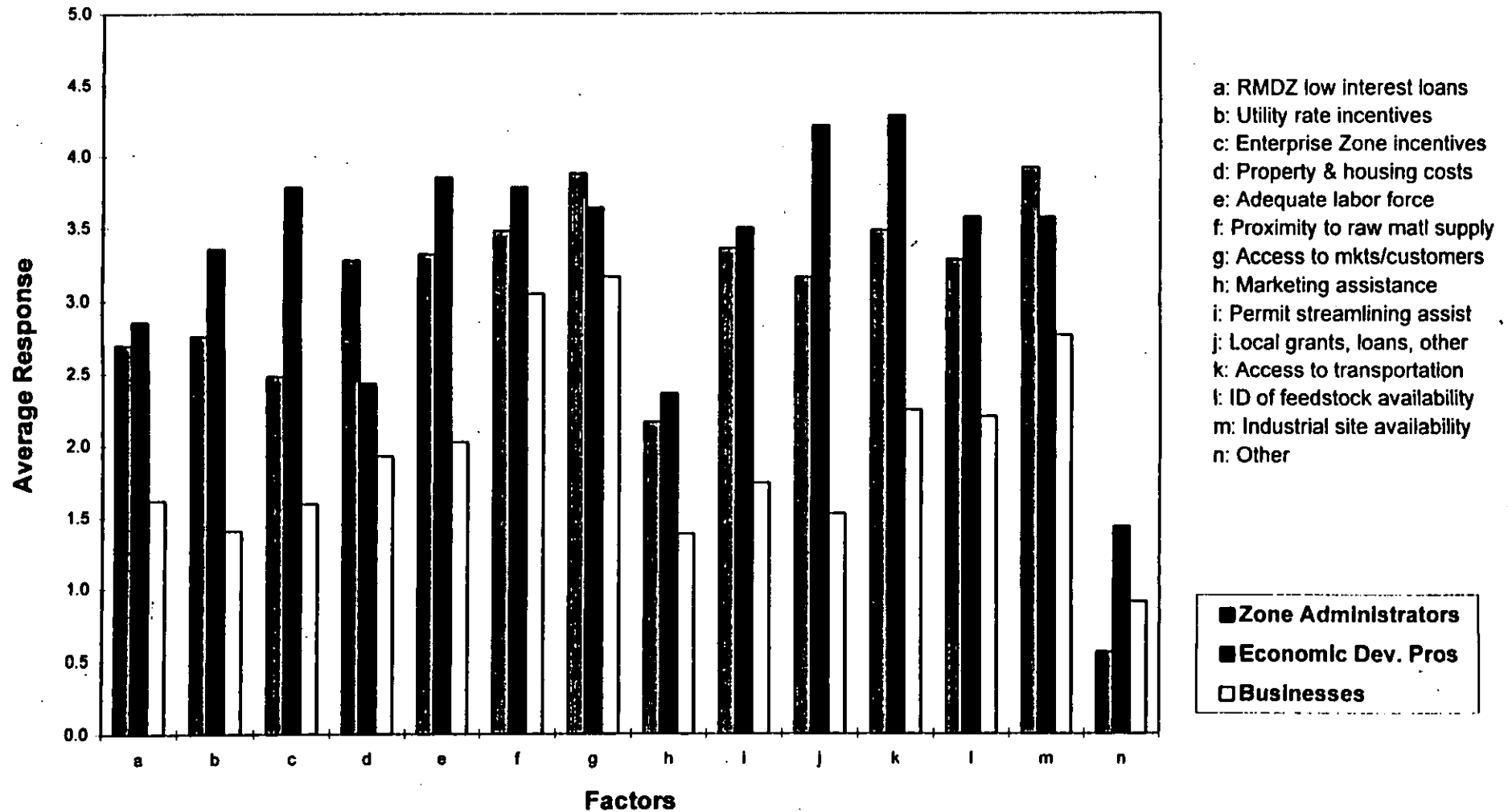
(Zone Administrators vs. Economic Development Professionals)

DECISION NOT TO SITE IN A LOCATION  
(On a scale of 0-5)



**Comparison Between Survey Responses**  
(Zone Administrators, Economic Development Professionals, and Businesses)

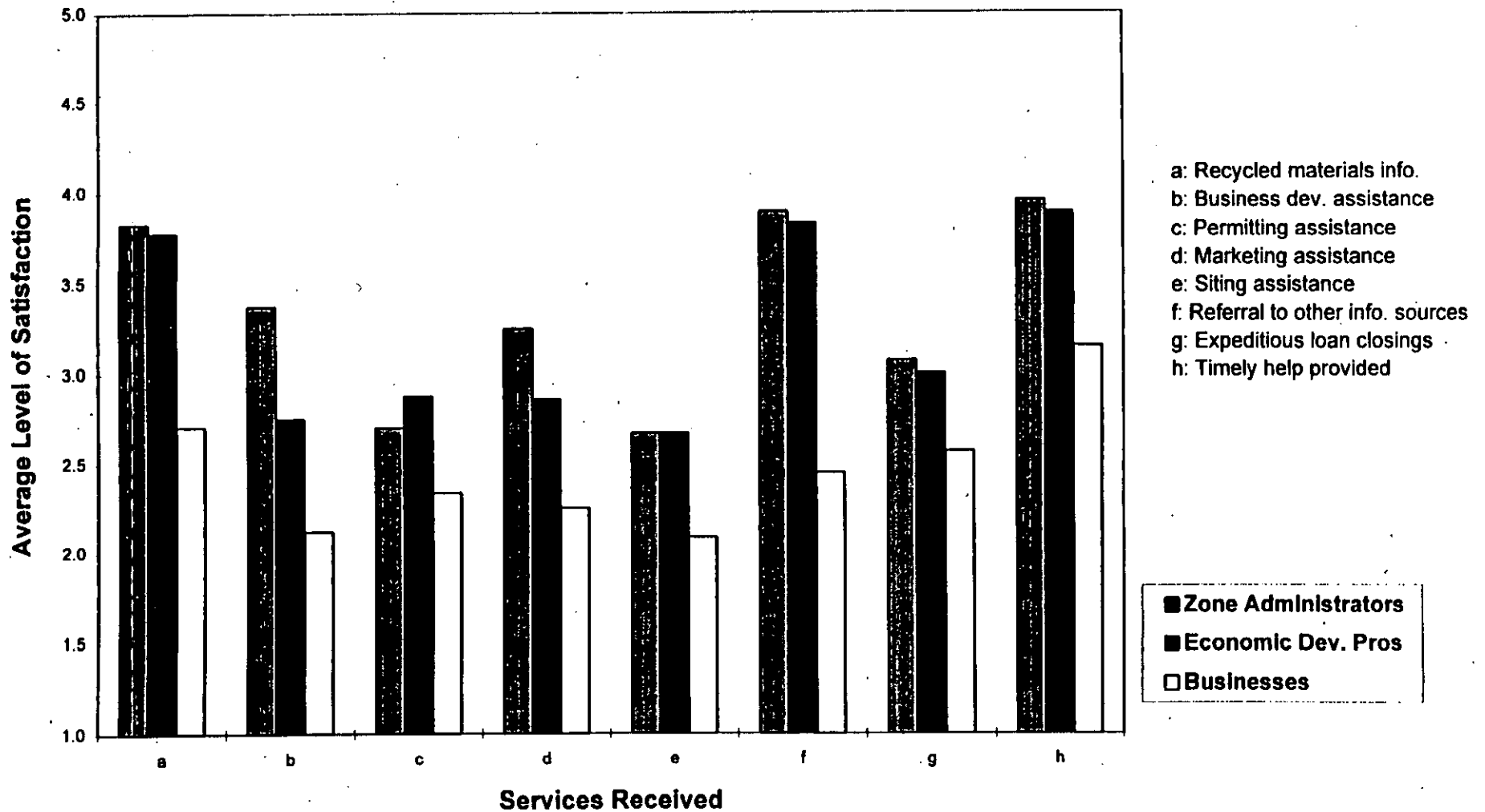
**SELECTION OF MANUFACTURING SITE**  
(On a scale of 0-5)



# Comparison Between Survey Responses

(Zone Administrators, Economic Development Professionals, and Businesses)

## SATISFACTION WITH SERVICES RECEIVED THROUGH RMDZ PROGRAM (On a scale of 1-5)



CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24 and 25, 1996

AGENDA ITEM 46

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A  
REVISED SOLID WASTE FACILITY PERMIT FOR THE CLOVER FLAT  
LANDFILL, NAPA COUNTY

I. COMMITTEE ACTION

As of the date that this item was prepared, the Permitting and Enforcement Committee had not yet made a recommendation or decision on this item. Findings that were made or verified after the committee item went to print are presented in redline text.

II. BACKGROUND:

Facility Facts

Name: Clover Flat Landfill  
Facility No. 28-AA-0002

Facility Type: Class III Landfill

Location: 4380 Silverado Trail, Calistoga

Area: 163 acre parcel; 78 acre permitted area;  
44 acre disposal area

Setting: Surrounding land is zoned as agricultural watershed and agricultural preserve

Status: Active, Permitted, Operating since 1963

Permitted Tonnage: 1992 Permit: 127 tons per day  
Proposed Permit: 300 tons per day

Closure Date: Estimated 2020

Owner/Operator: Marvin Pestoni, President, Clover Flat Landfill Inc.

Designated LEA: Napa County Administration Office  
Contact: Jay Hull, County Administrator

III. SUMMARY:

Proposed Project Continued operation of existing landfill with increased tonnage and the enhancement of salvage operations. Specific changes in the landfill design and operation are summarized below:

- 1) The permitted tonnage will increase from 127 to 300 tons of waste per day.
- 2) The operator proposes to separate, process, and stockpile vegetative material. The proposed permit would limit the stockpile to a maximum of 1,500 cubic yards.
- 3) The operator proposes to separate, process, and stockpile concrete and asphalt debris for use on-site as road base. The proposed permit would limit the stockpile to a maximum of 2,000 cubic yards.
- 4) The proposed permit would allow the co-disposal of dewatered non-hazardous sewage sludge within lined areas of the landfill in accordance with Waste Discharge Requirements (Numbers 91-160 and 93-113) issued by the Regional Water Quality Control Board.
- 5) The site boundary lot line will be adjusted to add 1.9 acres to the permitted area and increase the total parcel size from 112 acres to 163 acres. The disposal footprint will not change from the 44 acres addressed by the 1992 permit revision. An additional three landfill gas monitoring probes will be installed.

Site History The landfill began operations in 1963 and was issued a permit in 1978. In 1992, the permit was revised to allow expansion of the disposal footprint from 12 acres to 44 acres which changed the estimated closure date from 1994 to 2026. The 1992 permit revision also incorporated improvements in site environmental controls. Although the average daily tonnage is well below that allowed by the 1992 permit, in early 1995 the site began accepting occasional peak tonnages above the currently permitted 126 tons per day. The LEA has issued Notice and Order No. 95-01, which allows the site to accept daily tonnages in excess of 126 tons per day while the permit application is processed.

Site Description The landfill is located in a remote canyon north of Silverado Trail, three miles east of Calistoga in the northern Napa Valley. Surrounding land is zoned as agricultural watershed and agricultural preserve. Cover material is obtained on-site from excavations within the expansion area.

The only residence within 1,000 feet of the disposal area is located on-site and occupied by landfill management. Other on-site improvements include a paved access road, gatehouse and scales, and maintenance building. The landfill is open to the public Tuesday through Saturday, 9 a.m. to 4 p.m. and 9 a.m. to 3 p.m. on Sundays. The landfill is open to commercial haulers Monday to Sunday, 2 a.m. to 5 p.m.



Environmental Controls Site environmental controls for dust, odor, leachate, vectors, litter, noise, fires, noise, and exclusion of hazardous waste are adequately described in the Report of Disposal Site Information (RDSI) which has been incorporated by reference as a conditioning document of the permit.

#### IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit  
Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on March 21, 1996, the last day the Board may act is May 20, 1996.

The LEA has determined that the permit application package is complete and has submitted a proposed permit to the Board. Staff have reviewed a draft permit and supporting documentation and have found that the permit is acceptable for the Board's consideration. In making this determination the following items were considered:

1. Conformance with County Plan - PRC Section 50000

The LEA has determined that the facility is identified by the most recently approved edition of the Napa County Solid Waste Management Plan, dated 1987. The Board's Office of Local Assistance has concluded that the requirements of PRC Section 50000 have been met.

2. Consistency with General Plan - PRC Section 50000.5

The LEA has found that the facility is identified in and is in compliance with the Land Use Element of the Napa County General Plan adopted by the Napa County Board of Supervisors on June 7, 1983 and amended November 25, 1986. In addition, On January 31, 1996, the Napa County Conservation, Development, and Planning Commission determined that the facility is consistent with the General Plan. The Board's Office of Local Assistance has concluded that the requirements of PRC Section 50000.5 have been met.

3. Consistency with Waste Diversion Requirements - PRC 44009

Pursuant to PRC Section 44009 and LEA Advisory No. 28, the LEA has determined that the record does not contain substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Napa County Department of Conservation, Development and Planning prepared a Negative Declaration (ND) (SCH# 95123033) for the proposed project. Board staff commented on the environmental document on January 11, 1996.

The ND was certified as approved by the lead agency on January 17, 1996. Mitigation measures were made a condition of approval and the Lead Agency determined that the project will not have a significant change on the environment. A Notice of Determination (NOD) was filed by the lead agency on January 31, 1996.

California Code of Regulations (CCR), Title 14 Section 15096 (CEQA Guidelines) requires the Board, as a responsible agency, to determine whether or not the evaluation of potential environmental impacts assessed in the environmental document is adequate for the Board's use in the permitting process. After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with.

5. Compliance with State Minimum Standards

A review of monthly LEA inspection reports indicates that the landfill is currently operated in compliance with State Minimum Standards for Solid Waste Handling and Disposal. A joint Board/LEA inspection conducted on June 13, 1995, noted two violations of State Minimum Standards. The operator quickly brought the site back into compliance. Each monthly inspection by the LEA has shown compliance with State Minimum Standards. Board staff determined that the compliance record of the landfill does not warrant a "pre-permit" inspection.

6. Financial Mechanism

Article 3.5 of Title 14 of the California Code of Regulations (CCR) requires operators of solid waste facilities to demonstrate the availability of financial resources to conduct closure and postclosure maintenance activities. Article 3.3 of Title 14 of the CCR requires operators to provide operating liability coverage.

Clover Flat Landfill, Inc. maintains a closure/postclosure maintenance trust fund which meets the requirements of

Section 18284 of the CCR. The trust fund balance is adequate and meets the requirements of Section 18282 of the CCR. The operator has also provided a certificate of liability insurance which meets the requirements of Section 18236 of the CCR.

7. Compliance with Closure and Postclosure Requirements

The Board's Closure and Remediation Branch deemed the Preliminary Closure and Postclosure Maintenance Plan complete on December 24, 1991. The closure plan has since been amended to reflect expansion of the landfill and changes associated with this permit revision. Board staff have provided detailed comments on the closure plans and are in the process of reviewing responses to those comments.

V. STAFF RECOMMENDATION:

Because a new Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA. Because this permit was submitted shortly before the due date for April Permitting and Enforcement Committee agenda items, the committee item did not contain a staff recommendation.

Board staff has since completed its review of the permit and supporting documentation and can now recommend that the Board adopt Permit Decision No. 96-154 concurring to the issuance of Solid Waste Facilities Permit No. 28-AA-0002.

VI. ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 28-AA-0002
4. LEA AB 2296 Findings
5. Permit Decision No. 96-154

VII. APPROVALS:

Prepared by: Jon Whitehill <sup>e.B.</sup> Phone: 255-3881

Reviewed by: Don Dier Jr./Cody Begley <sup>C.B.</sup> Phone: 255-2453

Approved by: Clint L. Whitney <sup>all</sup> Phone: 255-2431

Legal Review: Kathryn J. Dobson Date/Time: 4/15/96

**IN CONSIDERATION OF THE IN-HOUSE  
WASTE PREVENTION POLICY**

**ATTACHMENTS 1 - 4**

**HAVE BEEN DELETED FROM THE  
BOARD PACKET**

**PLEASE REFER TO THE  
APRIL 17, 1996  
PERMITTING & ENFORCEMENT  
COMMITTEE AGENDA PACKET  
FOR COPIES OF ATTACHMENTS**

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-154

WHEREAS, Clover Flat Landfill, Inc. owns and operates the Clover Flat Landfill; and

WHEREAS, the Napa County Department of Conservation, Development and Planning, Lead Agency for CEQA, prepared a Negative Declaration (ND) (SCH# 95123033) for the proposed project; and Board staff provided comments to the Lead Agency on January 11, 1996; and the Lead Agency adopted the final environmental document on January 17, 1996 and filed the Notice of Determination for the project on January 31, 1996; and the project will not have a significant effect on the environment; and mitigation measures were made a condition of approval of the project; and

WHEREAS, on March 21, 1996, the Napa County Administration Office, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facility Permit for the Clover Flat Landfill; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the County General Plan; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the proposed facility design and operation in compliance with State Minimum Standards; and

WHEREAS, the project description in the CEQA document is consistent with the proposed permit; and

WHEREAS, the LEA has determined that there is no substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements; and

WHEREAS, the LEA has made the determination that the facility's proposed design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Facility Information and supporting documentation.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 28-AA-0002.

# CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24 and 25, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24-25, 1996

AGENDA ITEM 47

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facility Permit for the B&J Drop Box Sanitary Landfill, Solano County

COMMITTEE ACTION:

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

I. BACKGROUND:

Facility Facts

Name:	B&J Drop Box Sanitary Landfill Facility No. 48-AA-0002
Facility Type:	Class III Landfill
Location:	6426 Hay Road, Unincorporated Solano County
Area:	161 acres, 141 approved for landfilling
Setting:	Agricultural
Operational Status:	Currently operating
Permitted Tonnage:	An average of 240 tons per day
Proposed Tonnage:	1200 tons per day average with a maximum of 2400 tons per day
Volumetric Capacity:	7,300,000 cubic yards remaining capacity
Owner and Operator:	B&J Drop Box Corporation Archie Humphrey, Regional Manager
LEA:	Solano County Department of Environmental Management, Birgitta Corsello, Director

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Proposed Project

B&J Drop Box Sanitary Landfill is requesting a revision to their Solid Waste Facility Permit (permit) issued on July 28, 1992, to reflect planned operational and design changes. These changes include:

- An expansion from 161 acres to 640 acres.
- An increase in the footprint from 141 acres to 256 acres.
- An increase in volume of waste from an average of 240 tons per day to 1200 tons per day.
- Lining expansion areas to comply with Subtitle D and Class II standards.
- Acceptance of Class II "Designated" wastes.
- Development of a new borrow area.
- Partial closure of Module 1.
- A change in hours, the site will close for haulers at 4 p.m. rather than 4:30 p.m..
- Addition of a Battery, Oil, Paint, and Antifreeze recycling center.

II. **SUMMARY:**

Site History

This facility began operating in 1964 as an excavate-fill and burn facility. In 1973 the operator stopped burning waste and began landfilling waste. As part of this operation the site was excavated to approximately 5 feet below ground level, shallow ground water began entering the disposal area. In 1982, the operator proposed to install a slurry wall surrounding the site to prevent the infiltration of water. The plan was to pump the perched ground water within the perimeter of the slurry wall thereby reducing the water level and infiltration into waste. After several years of operation it was determined that ground water infiltration into Module 1 was still a problem.

Project Description

B&J Drop Box Sanitary Landfill is located at 6426 Hay Road in an unincorporated area of Solano County. The facility is owned and operated by B&J Drop Box Corporation. Site operations are



conducted by Tri-County Development Company. The site will be open to public and commercial haulers from 8 a.m. to 4 p.m., seven days a week. Site operations will occur between 5 a.m. and 10 p.m. during daylight savings time and from 6 a.m. to 7 p.m. during the rest of the year. Waste will be accepted from some commercial haulers during these site operations hours. Surrounding land is zoned agricultural with a minimum size of 160 and 80 acres. There are several isolated residences located within one mile of the site, however there are no residences within 1,000 feet of the boundaries. The site will include 640 acres, 256 of which will be used for disposal of waste.

An average of 1200 tons of waste per day (averaged over a 7 day week) will be accepted, with a daily maximum of 2400 tons. The site will accept residential waste, demolition and construction waste, brush and stumps, large appliances, tires, and street refuse. In addition the site will accept sewage plant grit and scum, and sewage sludge. The Class II expansion areas will be able to accept designated wastes including, contaminated soil, ash, bio-solids/sludge, dredge debris, slab, construction, and demolition debris, commercial/industrial waste, and cullet. The operator is proposing to use contaminated soil as daily cover whenever possible. However, if soils contaminated with volatile organic compounds (VOC) are used the operator must first obtain a permit to operate from the Yolo-Solano Air Quality Management District. VOC contaminated soils may be used as intermediate cover without a permit to operate if they are covered with 6 inches of non-VOC contaminated (or clean) soil.

Asbestos Containing Waste (ACW) is currently accepted at the site. Friable asbestos is only accepted if double bagged and manifested. Each shipment is inspected, measured, logged, and approved before it is unloaded. The ACW is currently placed in a dedicated area of Module 1, however in the future the waste may be placed in other areas. The Yolo-Solano Air Quality Management District will require the operator to obtain a permit to operate for the ACW disposal activities.

Ash is currently received moisture conditioned. The operator may install ash moisture conditioning equipment on site if necessary. The equipment will add moisture to the ash to the extent required to prevent it from being wind blown. Ash will be mixed with contaminated soil and used for daily cover in the Class II area.

#### Environmental Controls

The Report of Disposal Site Information submitted for this facility describes environmental control measures that will adequately minimize the effects of dust, litter, noise, odor, vectors, drainage, illegal hazardous waste disposal, drainage,

and landfill gas. If operated according to these environmental controls the site should operate in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

#### Resource Recovery

The operator currently salvages metal (white goods), tires, concrete, and asphalt. White goods are stored on site in a 35 cubic yard bin. When 70 cubic yards accumulate the metal is delivered to a broker. A contractor removes freon from all appliances that contain the material before disposal.

Concrete and asphalt are diverted and stockpiled at this site. The material is used for construction of tipping pads and access roads.

The operator is planning on installing a battery, oil, paint, and antifreeze (BOP) recycling facility. The BOP facility will be open on Saturdays from 9 a.m. to 4 p.m. and will only accept waste from private citizens within the service area.

### **III. ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on March 5, 1996, the last day the Board may act is May 4, 1996.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

#### 1. Conformance with County Plan

The LEA has determined that the facility is found in the Solano County Solid Waste Management Plan revised in August 1988 and amended in September 1989. Board staff agree with said determination (Attachment 4).

#### 2. Consistency with General Plan

This facility is identified in the Land use and Circulation Element of the Solano County General Plan, and the surrounding land use is compatible with the facility operation. The LEA and Board staff agree with said finding (Attachment 4).

3. Consistency with Waste Diversion Requirements

LEA Advisory No. 28, advises LEA's that any permits submitted for consideration by the Committee and Board, must be accompanied by a letter from the LEA making a determination whether there is substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements. The LEA submitted a letter confirming that they "...can find no evidence that this facility may prevent or substantially impair the B and J Landfill user jurisdictions from meeting the diversion requirements of the Public Resources Code section 41780..." The analysis used in making this determination is included as Attachment 5.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Solano County Department of Environmental Management prepared an Environmental Impact Report (EIR) (SCH# 92063112) and a Negative Declaration (SCH# 95093048) for the proposed project. The EIR was certified as approved by the lead agency on May 20, 1993, and a Notice of Determination was filed on May 25, 1993. The Negative Declaration was certified as approved by the lead agency on December 7, 1995, and a Notice of Determination was filed on December 11, 1995.

The Solano County Planning Commission made a Statement of Overriding Considerations because the expansion element of the EIR will have a significant and unavoidable aesthetic impact due to the visual intrusion on Highway 113. Visual impacts are not within the authority of the Board as a Responsible Agency under the CEQA.

After reviewing the EIR and Negative Declaration and responses to comments for the proposed project, Board staff have determined that CEQA documents are adequate for the Board's evaluation of the proposed project for those project activities which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board.

5. Consistency with State Minimum Standards

Board staff and the LEA determined during an inspection of this facility on March 28, 1996, that the facility is

operating in compliance with State Minimum Standards for Waste Handling and Disposal.

6. Financial Assurance

B&J Drop Box, Inc., has established an acceptable financial mechanism, in the form of trust fund to cover the estimated closure and postclosure maintenance costs of this facility. This mechanism meets the financial assurance requirements of Title 14 of the California Code of Regulation. In addition, based on the data provided by the operator, the fund balance is adequate.

B&J Drop Box, Inc., also submitted a Certificate of Insurance which provides coverage for operating liability. The requirement for operating liability insurance has been satisfied for this facility.

7. Closure and Postclosure Maintenance Plans

The preliminary Closure and Postclosure Maintenance Plans were deemed complete on January 6, 1994.

IV. **STAFF RECOMMENDATION:**

Because a revised Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-155 concurring in the issuance of Solid Waste Facility Permit No. 48-AA-0002.

V. **ATTACHMENTS:**

1. Location Map
2. Site Map
3. Permit No. 48-AA-0002
4. AB2296 Finding of Conformance
5. Prevent and Impair Statement
6. Permit Decision No. 96-155

Prepared by: Russ J. Kanz <sup>lanz</sup> Phone: 255-4162

Reviewed by: Don Dier/Suzanne Hambleton <sup>4/8 824 4/8</sup> Phone: 255-2453

Approved by: Clinton L. Whitney <sup>CLW</sup> Phone: 255-2431

Legal Review: Kathryn J. Johnson Date/Time: 4/15/96

**IN CONSIDERATION OF THE IN-HOUSE  
WASTE PREVENTION POLICY**

**ATTACHMENTS 1 - 5**

**HAVE BEEN DELETED FROM THE  
BOARD PACKET**

**PLEASE REFER TO THE  
APRIL 17, 1996  
PERMITTING & ENFORCEMENT  
COMMITTEE AGENDA PACKET  
FOR COPIES OF ATTACHMENTS**

## Attachment 6

California Integrated Waste Management Board  
Permit Decision No. 96-155  
April 24 and 25, 1996

WHEREAS, the Solano County Department of Environmental Management, acting as the Local Enforcement Agency, submitted to the Board on March 5, 1996, for its review and concurrence in, or objection to a revised Solid Waste Facility Permit for the B&J Drop Box Sanitary Landfill; and

WHEREAS, the Solano County Department of Environmental Management, the lead agency for CEQA review, prepared an EIR and a Negative Declaration for the proposed project; Board staff reviewed the EIR and a Negative Declaration and provided comments to the Solano County Department of Environmental Management on February 10, 1993 and October 23, 1995; the proposed project will have a significant effect on the environment; and mitigation measures were made a condition of approval of the proposed project; the Solano County Department of Environmental Management adopted a Statement of Overriding Considerations; and the Solano County Department of Environmental Management filed Notices of Determination with the County Clerk on May 25, 1993; and

WHEREAS, the Solano County Planning Commission made a Statement of Overriding Considerations because the expansion element of the EIR will have a significant and unavoidable aesthetic impact due to the visual intrusion on Highway 113; and visual impacts are not within the authority of the Board as a Responsible Agency under the CEQA; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the project description in the CEQA document is consistent with the proposed permit; and

WHEREAS, Board staff and the LEA determined during an inspection on March 28, 1996, that this facility is operating in compliance with State Minimum Standards for Waste Handling and Disposal; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the Solano County Solid Waste Management Plan, and consistency with the Solano County General Plan, and compliance with the CEQA.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 48-AA-0002.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24 and 25, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24, 1996

AGENDA ITEM 48

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE OLINDA ALPHA LANDFILL, ORANGE COUNTY

I. COMMITTEE ACTION:

At the time this item went to print, the Permitting and Enforcement Committee had not yet taken action on this item.

II. BACKGROUND:

Olinda Landfill and Olinda Alpha Landfill are permitted as two separate Class III landfills, separated topographically and geologically by a ridge line between two canyons which make up the respective sites. The proposed permit revision which is described below, would combine these two sites and call the facility the Olinda Alpha Landfill. In addition to combining the facilities, this proposed permit will allow the operator to excavate and landfill the ridge area which separates the sites, which will eventually result in the facilities being at one grade.

Facility Facts

Name:	Olinda Landfill and Olinda Alpha Landfill, Facility No. 30-AB-0016 and 30-AB-0035
Facility Type:	Class - III Solid Waste Disposal Site
Location:	1942 North Valencia, Brea, CA
Total Permitted Area:	335 acres for Olinda Landfill, and 235 acres for Olinda Alpha
Proposed Area:	677 acres, 420 acres allowed for landfilling, 257 acres are used for ancillary activities and a buffer zone.
Setting:	Both sites lie within the unincorporated portion of Orange County, surrounded by open space, petroleum recovery, and a Boy Scout Camp



Permitted  
Daily Capacity: A peak of 2,400 tons per day (TPD) at Olinda Landfill and a peak of 8,000 TPD at Olinda Alpha

Proposed  
Daily Capacity: A peak of 8,000 tons per day, and an average of 6000 TPD

Operational  
Status: Olinda Landfill (old) operated since 1960 and Olinda Alpha Landfill has operated since 1981. Note that Olinda Landfill (old) significantly reduced the yearly tonnage to 2000 tons per year in 1981, when the new Olinda Alpha Landfill (new) opened.

Waste Type: Nonhazardous residential, commercial and industrial solid waste which are classified as Class III wastes

Permitted  
Capacity: Olinda Landfill's (old) original permitted capacity was 28 million cubic yards of waste of which 24.8 million cubic yards have been deposited. Olinda Alpha Landfill (new) has a permitted capacity of 36 million cubic yards of which 19.9 million cubic yards was in place as of 1993.

Proposed  
Capacity: 130.5 million cubic yards total permitted capacity, 55.61 million cubic yards in place as of 1993, with a life expectancy of approximately 17 years, or the year 2013.

Operator/Owner: County of Orange  
Environmental Management Agency/  
Integrated Waste Management Department  
Vicki Wilson, Director

LEA: Orange County  
Health Care Agency  
Environmental Health Division  
Local Solid Waste Enforcement Agency  
Mr. Robert Merryman, Director

### History and Currently Permitted Project

#### *Background on Olinda Landfill (older site):*

Olinda Landfill (old) began operating in 1960. In 1979 the facility obtained a Solid Waste Facilities Permit (SWFP), Facility Number, 30-AB-0016, which allowed approximately 675,000 tons per year (approximately 1875 tons per day assuming a seven day operating week). Due to available capacity, the permit estimated operations would continue until 1981. However, the facility operated beyond 1981. In fact, on April 12, 1989, the Olinda Landfill (old) was issued a revised SWFP and is currently operating under it's conditions. The 1989 SWFP allows the facility to accept 2,400 tons per day (TPD). Based on this rate the permit projected the remaining capacity for disposal to be one year and five months or 3,700,000 cubic yards of waste. However, the operator has been accepting approximately 2000 tons per year for several years, resulting in the extension of Olinda Landfill's (old) site life. Surrounding land use described in the 1989 SWFP included open space, oil fields, Olinda Alpha Landfill, and a Boy Scout Reservation.

#### *Background on Olinda Alpha (newer site):*

Olinda Alpha Landfill (new) obtained a SWFP, Facility Number 35-AB-0035, and began operation in 1981 on 335 acres of the 677-acre area which was designated for Olinda (old) and Olinda Alpha (new) landfills. In 1993, the SWFP was revised and currently the site is operating under it's conditions. Currently, the 1993 SWFP specifies that the facility may accept up to 8,000 TPD of waste. The permit projected a design capacity of 36 million cubic yards of which 19.9 million cubic yards were in place at the time the permit was issued. Surrounding land uses were described in the SWFP as Agricultural-Oil Field. This permit also allows a 5.4 megawatt landfill gas to energy plant which extracts gas from both Olinda (old) and Olinda Alpha (new) landfills.

Since 1993, the operator has been operating under a Stipulated Order of Compliance which allows Olinda Landfill to incorporate the five year permit review required pursuant to California Code of Regulations, Title 14, Section 18213, to be conducted in conjunction with Olinda Alpha's application for "permit revision". On January 31, 1995, the LEA issued another Stipulated Order of Compliance to allow the Olinda Landfill to accept a peak of 8,000 TPD in lieu of the landfill disposal operations at Olinda Alpha, therefore only allowing one site to accept waste at one time.

This order also allows the operator to conduct one permit review for both sites.

Both sites combined are currently allowed to accept up to 8,400 TPD. However, because of a Memorandum of Understanding with the City of Brea the operator can only accept an annual average waste flow of 6,000 TPD.

### Proposed Project

This proposed project will accomplish several tasks. It will combine the Olinda and Olinda Alpha Landfills under one permit. The proposed permit will allow the excavation of the central ridge between the two landfills and an adjacent stockpile area and utilization of the excavated area for disposal operations thus physically combining the two sites. This design change will create more landfill capacity and increase the final grade. Before filling the newly excavated area, it will have to be lined in accordance with Title 40 of the Code of Federal Regulations. As part of the new project a groundwater remediation system and monitoring and reporting program will be implemented.

The proposed project is to allow for a daily tonnage of 8,000 tons per day of residential, commercial, demolition, and industrial waste. The total landfill acreage is 677 of which approximately 420 acres will be utilized for refuse disposal and the remainder will be used as a buffer zone. Proposed final contours will extend to 1,300 feet above sea level. In the proposed permit will be the allowance for a tire recycling operation, a household hazardous waste collection center and storage area, loadchecking program, a scalehouse, a methane gas collection and flare system, and a leachate collection and recovery system.

Olinda Alpha Landfill's proposed permit will allow the facility to dispose of waste until the year 2013. The remaining capacity of this proposed design will be 74.9 million cubic yards.

### **III. SUMMARY:**

#### Project Description:

Olinda and Olinda Alpha Landfills are located within the Chino Hills in an unincorporated area of northeast Orange County, adjacent to the City of Brea, immediately south of the Los Angeles County line. Access to the site is gained from Valencia Avenue, off of Imperial Highway, to the Carbon Canyon Road.

The sites are zoned A1-O, Agricultural-Oil field. The land immediately surrounding the landfills are currently used for open space, petroleum recovery, and a Boy Scout Camp. The nearest off-site structures are within one-half mile of the site boundary. There are no structures within 1,000 feet of the boundary.

Upon acceptance of waste for disposal at the scalehouse, vehicles are immediately directed by the scalehouse operator to the working face of the landfill. Commercial vehicles are generally directed to an unloading area which is separate from that used by private vehicles.

The refuse collection trucks are directed by traffic flow personnel to unload in a confined area. A dozer spreads the waste approximately two feet deep across the working face, then compacts the waste by making several passes over the refuse. At least one employee, trained in hazardous waste load checking, is present at the tipping area to watch each customer unload to ensure no hazardous waste enters the disposal facility.

Before the end of the working day, refuse is covered with at least 6 inches of compacted soil. Daily and intermediate cover is currently obtained from an on-site borrow area. Areas anticipated to remain inactive for 180 days are covered with at least 12 inches of compacted soil.

Environmental Controls The Report of Disposal Site Information submitted for this facility has described environmental control measures that will adequately minimize the effects of dust, litter, noise, odor, vectors, illegal hazardous waste disposal, drainage and landfill gas associated with the landfill.

Resource Recovery Salvaging is conducted by a contract operator. Recovered items generally include metals, mattresses, wood, paper, white goods, tires and glass.

#### IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on March 7, 1996 the last day the Board may act is May 6, 1996.

Staff have reviewed the permit and supporting documentation, and have found that the proposed permit is acceptable for the Board's consideration of concurrence. In making the determination the following requirements were considered:

1. Conformance with County Plan

Because the Orange County Integrated Waste Management Plan was approved by the Board on March 27, 1996, the guiding statute for County Integrated Waste Management Plan (CIWMP)

conformance is Public Resource Code (PRC) 50001. The facility is identified and described in the Siting Element. The analysis used in making this determination is included as Attachment 4.

2. Consistency with General Plan

Because the Orange County Integrated Waste Management Plan has been approved, the finding of consistency with the general plan pursuant to PRC section 50000.5 (a) and (b) is not required, as the finding is only applicable during the gap. However, in the proposed permit, the LEA has made the finding.

3. Consistency with Waste Diversion Requirements

Because the Orange County Integrated Waste Management Plan has been approved, a determination in accordance with the directions from LEA Advisory No. 28, dated July 26, 1995, staff of the LEA made an assessment, pursuant to PRC 44009, to determine if the record contains evidence that the proposed permit would prevent or substantially impair the achievement of waste diversion goals is not required. However, the LEA has determined that there is no substantial evidence that the issuance of the proposed permit will prevent or substantially impair Orange County user jurisdictions from meeting waste diversion goals (Attachments 5).

4. California Environmental Quality Act (CEQA)

State law requires the preparation, circulation and adoption/certification of an environmental document and adoption of a Mitigation Reporting or Monitoring Program.

The Environmental/Project Planning Division (County), acting as Lead Agency, prepared an Environmental Impact Report (EIR), No. 534, State Clearinghouse Number 90010470 in 1992 and Addendum to the EIR, Addendum IP 94-91 approved in 1995, for the proposed project. The Board of Supervisors certified the EIR, No. 534, (NOCLATS) on March 10, 1992. The study deemed the vertical expansion project for Olinda and Olinda Alpha landfills were the preferred alternative.

A Mitigation Reporting and Monitoring Program (MRMP) was adopted. Potential environmental impacts and mitigation measures associated with the proposed project for the permit revision of the Olinda Alpha Landfill, Solid Waste Facili-

ties Permit #30-AB-0035, are identified and incorporated in the MRMP.

5. Consistency with State Minimum Standards

The LEA and Board staff determined that the facility's design and operation are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal during an inspection of the facility on March 14, 1996.

6. Closure/Post Closure Maintenance Plans

Title 14, California Code of Regulations (CCR), section 18268 requires Closure and Postclosure Maintenance Plans for solid waste disposal facilities. The required preliminary plans for the landfill were deemed complete by the Board's Closure and Remediation Branch.

7. Financial Mechanism Requirements and Operating Liability

Orange County has three approved financial assurance mechanisms for closure costs, postclosure maintenance costs, and operating liability coverage. The mechanisms include a closure escrow account, pledge of revenue for postclosure maintenance costs, and self-insurance for operating liability coverage.

The mechanisms meet the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, Section 18285 and 18290, and Article 3.3 Section 18237. The amount of coverage for closure and postclosure maintenance costs meets the requirements of 14 CCR Section 18282. The amount of liability coverage meets the requirements of 14 CCR Section 18232.

V. **STAFF RECOMMENDATION:**

Because a revised Solid Waste Facility Permit has been proposed, the Board must either concur with or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-156 concurring in the issuance of Solid Waste Facility Permit No. 30-AB-0035.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 30-AB-0035
4. AB2296 Finding of Conformance- pending
5. PRC 44009 Finding
6. Permit Decision No. 96-156

Prepared by: G. Turner *G.Tu* Phone: 255-3302

Reviewed by: *DJ 4/10/96* Don Dier, Jr. / *CS 4/10/96* S. Hambleton Phone: 255-2453

Reviewed by: Clinton L. Whitney Phone: 255-2431

Legal Review: *Kathryn J. Dobias* Date/Time *4/15/96*

**IN CONSIDERATION OF THE IN-HOUSE  
WASTE PREVENTION POLICY**

**ATTACHMENTS 1 - 5**

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## ATTACHMENT 6

California Integrated Waste Management Board  
Permit Decision No. 96-156  
April 24 and 25, 1996

WHEREAS, the Olinda Alpha Landfill is owned and operated by the Orange County Environmental Management Agency/Integrated Waste Management Department (County), as a Class III landfill for the handling and disposal of nonhazardous solid waste; and

WHEREAS, the operator submitted an application for a revised Solid Waste Facilities Permit to allow for the changes which had occurred at the landfill, these changes were documented in the LEA's permit review report dated January 29, 1996, including combining the two sites, Olinda Landfill, and Olinda Alpha Landfill which would include excavating and landfilling the ridge area which separates the sites, eventually resulting in the facilities being at one grade; and

WHEREAS, the LEA has submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facilities Permit for Olinda Alpha Landfill; and

WHEREAS, the County, acting as Lead Agency, prepared an Environmental Impact Report (EIR), No. 534 and Addendum to the EIR, Addendum IP- 94-91, SCH 90012470, for the proposed project; Board staff reviewed the MND and provided comments to the County; the proposed project will have a significant effect on the environment; mitigation measures were made a condition of the approval of the proposed project; and the County approved the project and the Notice of Determination was filed; and

WHEREAS, Board staff and the LEA have evaluated the proposed permit and supporting documents for consistency with standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the Orange County Solid Waste Management Plan, consistency with the County General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 30-AB-0035.

# CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24 and 25, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24, 1996

AGENDA ITEM 49

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A  
REVISED SOLID WASTE FACILITY PERMIT FOR THE FAIRMEAD  
LANDFILL, MADERA COUNTY

I. COMMITTEE ACTION:

At the time that this item was prepared, the Permitting and Enforcement Committee had not yet taken an action on this item. Please note that changes from the Permitting and Enforcement Committee agenda item are reflected in this item by redline for up-to-date information, and ~~strike-out~~ for outdated information.

II. BACKGROUND:

Facility Facts

Name:	Fairmead Landfill Facility No. 20-AA-0002
Facility Type:	Class III Landfill
Location:	21739 Road 19 Chowchilla, California
Area:	The total permitted area will be <del>120</del> <u>116.22</u> acres, total disposal will be 77 acres.
Setting:	Surrounding land use and land zoning is agricultural, rural; agricultural, rural exclusive; commercial, rural, highway; and one parcel that is zoned open space which is contiguous to the northwest corner of the existing landfill.
Operational Status:	Active, the current filling area of the landfill is unpermitted, operating under a Notice & Order.
Permitted Tonnage:	200 Tons Per Day (TPD)
Proposed Permitted Tonnage:	<del>292</del> <u>283</u> Average Daily TPD, with a peak of <del>500</del> <u>395</u> TPD

Volumetric  
Capacity: ~~3,204,000~~ 3,204,349 cubic yards (airspace)

Owner: County of Madera  
Dept. of Engineering & General Services  
Mr. Michael Kirn, County Engineer

Contract  
Operator: Madera Disposal Systems, Inc.  
Mr. Gene Dupreau, Owner

LEA: Madera County Environmental Health Dept.  
Mr. James Blanton, Director

Proposed Project

The proposed permit would allow for the following changes in the design and operation of the facility:

- ▶ Increase in the maximum daily tonnage from 200 TPD to an average daily tonnage of ~~292~~ 283 TPD with a peak daily tonnage of ~~500~~ 395 TPD.
- ▶ Expansion of the permitted area from 48.3 acres to ~~120~~ 116.22 acres of which 77 acres are designated for disposal with an estimated closure date of ~~2026~~ 2013.
- ▶ Conversion of standard landfilling method (cut and fill) to a balefill method of operation.
- ▶ Expansion of the operating hours from 8:00 - 5:00 pm, Monday thru Friday (M-F) and 9:00 am - 5:00 pm, Saturday & Sunday to:

Public hours: M-F 8:00 am - 4:30 pm; Sat &  
Sun 9:00 am - 4:30 pm

Operator hours: M-F 7:00 am - 7:00 pm; Sat &  
Sun 8:00 am - 6:00 pm

Other: Mon-Sat @ 5:00 am - State Correctional  
Facilities

- ▶ Construction of an landfill gas extraction system and flare.
- ▶ Construction of new waste management units in accordance with current regulatory requirements (Subtitle D).
- ▶ Allowance of an Alternative Daily Cover (ADC) Demonstration Project using geosynthetic blankets and shredded green material for balefill cover.

- ▶ Increase in the landfill height from a final elevation of 245 feet to 310 feet.
- ▶ Allowance of the acceptance of non-friable asbestos and treated biohazardous wastes.

### III. SUMMARY:

#### Site History

The facility has been in existence since 1973, and was originally permitted in 1979 as a 48.3 acre site. The existing permit was issued January 7, 1986.

The facility is located on County-owned property. The daily operations of the Fairmead Landfill have been conducted by Madera Disposal Systems, Inc. (MDSI), the contract operator, since July 1981. MDSI provides all the labor, material, equipment and facilities necessary for the facility's operation.

In January 1989, an Environmental Impact Report was prepared for a proposed expansion which was to be a total of 151 acres. This area included privately owned parcels. Although it is the intention of Madera County to acquire the privately owned parcels and use the area for final landfill expansion, the acquisition will probably not occur until after 2010.

On May 8, 1991, a Notice and Order (N&O) was issued that allowed for an increase of tonnage from 200 TPD to 395 TPD; prohibited further expansion beyond the then current height of 276'; and directed the operator to submit a Final Closure/Postclosure Maintenance Plan with an application for permit revision by July 1, 1991.

On July 22, 1991, a Stipulated Order of Compliance (STIP) was issued that specified the same terms and conditions as stated above, with the exception of the compliance date for submittal of an application for permit revision being changed from July 1 to November 1, 1991.

On January 27, 1992, a revised STIP was issued that again changed the date of compliance from November 1, 1991 to August 1, 1992.

On August 4, 1993, a new STIP was issued which indicated the tonnage had increased up to a maximum of 417 TPD; the landfill height had increased to 306'. This new STIP now allowed for waste to be placed in a 7.5 acre expansion area; allowed for the acceptance of a maximum of 450 TPD; and directed the operator to obtain a revised permit by October 9, 1993.

On September 20, 1994, the LEA accepted an incomplete application package for the Mammoth Recycling Facility & Transfer Station (MRF/TS), and the Fairmead Landfill; the applicant waived the 120 day time frame for processing the application contained in PRC Section 44008. The application was intended to be a revision to the landfill's existing permit. The primary changes were to be the addition of the MRF/TS at the landfill and conversion of the landfill operations to a balefill method of operation.

On November 21, 1994, a N&O was issued which indicated the tonnage had increased to a maximum of 503 TPD, and the waste footprint had been expanded beyond the permitted boundaries without obtaining a revised permit. A composite liner system was installed without the RWQCB's approval, and baled waste was being accepted. In essence, this N&O prohibited any further expansion beyond the previously mentioned 7.5 acre area prior to obtaining a revised permit.

On November 23, 1994, the applicant formally withdrew the application. (A new application for a new Solid Waste Facility Permit and a proposed permit was submitted for the MRF/TS only, which was concurred in by the Board in February 1994.)

On November 1, 1995, a new N&O was issued which noted several violations, including a increase in tonnage and expanding beyond the permitted boundaries, the acceptance of baled waste, exceeding the maximum landfill height, operating prior to permitted hours, inadequate intermediate cover in the unpermitted expansion area, litter, and cover.

Among other things, the N&O directed the operator to submit a fill sequence/cell construction plan, a schedule for construction and implementation of a Gas Monitoring and Control Plan, implement the Interim Gas Monitoring and Control Plan as contained in the partial Final Closure and Postclosure Maintenance Plans, limits the use of alternative daily cover materials to the composite lined areas of the 7.5 acres, submit an application for permit revision by January 2, 1996, and correct all violations of State Minimum Standards prior to applying for the permit revision.

Additionally, prohibitions in the N&O included but are not limited to, expanding beyond the 7.5 acre expansion area prior to obtaining a revised permit, conducting operations during hours of darkness without adequate lighting as approved by the LEA, exceeding a maximum final landfill height of 310', and accepting more than a peak of 375 tons per day or 246 tons maximum daily average.

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Project Description

The Fairmead Landfill property is located in the County of Madera at 21739 Road 19, near State Highway 99. Access to the site is from Road 19, a rural, two-lane paved road that runs north-south along the western edge of the property. Access to Road 19 is gained directly from Highway 99, or via other rural roads.

The site, including most of the planned expansion area, is bounded by Avenue 22 to the north, Avenue 21½ to the south, and Road 19 to the west, and Road 19½ and by five privately owned parcels. These structures are within a distances of 625' to 800' from the landfill. The originally permitted 48 acre landfill is located in the northern portion of the site. The County owns approximately 72 acres to the south and southeast of the 48 acres which will be used for landfill expansion. In the future, when the privately owned parcels are acquired, the total County-owned land at the site will be approximately 150 acres, roughly 125 acres of which will be used for landfilling/balefilling.

The expansion of the landfill will occur in two phases. Phase I is the existing permitted site preparing for closure. Phase II includes the area directly south of the existing landfill which is currently being balefilled, and Phase III is the area located east of the Phase I and II areas. Phase III includes the property of the private owned parcels.

The actual waste-hauling traffic currently entering the landfill is limited to the landfill equipment that transports waste bales from the Mammoth Recycling Facility and Transfer Station (MRF/TS), and a few public and commercial vehicles that are sent to the landfill directly from the MRF because their loads are not appropriate for MRF processing. A load checker is stationed at the working face of the landfill to check public and commercial load that are sent directly from the MRF. (The MRF/TS is located on the same parcel as the landfill but is permitted with a separate legal boundary developed by a licensed Land Surveyor.) Waste types received at the landfill include mixed municipal, non-hazardous industrial, construction/demolition wastes, agricultural, non-friable asbestos, tires (i.e., stockpiled in quantities less than 499), and wood mill.

The landfill is divided into three primary waste management units (WMU). The original 48 acre site is designated as WMU 1 which is preparing for closure. The additional expansion area to the south and southeast of WMU 1, land currently owned by the County, create WMU 2 and WMU 3a which total approximately 72 acres. In the future, the planned expansion area of approximately 29 acres that is not currently County-owned will create WMU 3b. Waste Management Unit 2, the first expansion area, will be divided into

four cells, plus one cell that will bring the area between WMU 1 and WMU 2 to final grade.

Currently, the active balefill area is in WMU 2 in a 7.5 acre area. A portion of this 7.5 acres (approximately 3+ acres) was constructed prior to the requirements of Subtitle D, and, therefore, was constructed with a clay liner. The remainder of the 7.5 acres, as well as, the additional expansion area (which totals approximately ~~10~~ 13.5 acres) has been constructed to Subtitle D specifications with a geosynthetic liner.

Bales are produced at the MRF/TS and loaded onto flatbed trailers using loader equipment with a customized bale lifting grapple. The Logemann baler produces a bale that is approximately 45" x 31" x 64" (1.92 cubic yards), with a weight of approximately 2,000 to 2,600 pounds. Bales are then delivered to the landfill and placed on the leading face (or edge) of the active lift. Each lift (layers of bales between soil) is typically four bales high (roughly 10') and the bale placement direction is staggered to create an interlocking effect for stability. As each lift progresses horizontally, a soil fire break will be incorporated into the lift approximately every 200 feet. The fire breaks will be constructed by placing and compacting a wedge of loose waste at the end of the lift. A layer of soil 6-12" will then be placed over loose wastes.

As a part of the balefill operation the use of alternative daily cover (ADC), i.e., geosynthetic blanket and green waste is planned which is currently occurring in a demonstration project. The demonstration project will evaluate the ADC effectiveness, but will also help to determine the most effective means of balefill operation. A balefill operation is significantly different from a standard landfill operation because the waste are compacted into bales, and the active face is comprised of horizontal and vertical faces, not a single sloping face.

Loose wastes that are brought to the active face are placed around the bales and compacted into void spaces between the bales. When loose wastes are used to cover the bale lifts or use to create fire break slopes, daily soil cover will be applied, not ADC. A minimum of 6" of soil is placed over the horizontal surfaces of each lift daily; green wastes are used on side slope areas where loose wastes are placed; vertical faces of waste bales are generally covered with Fabrisoil (a non-woven polypropylene sheeting).

Green wastes are stockpiled on the landfill site away from the active area. The materials are then chipped, using a mobile grinder.



Currently, The Report of Disposal Site Information (RDSI) indicates the waste stream for 1996 is projected to be an average of 227 TPD, with a peak of 411 TPD. Assuming a 6.5% population and waste stream growth per year, the quantity is expected to increase to an average of 292 TPD, with a peak of 528 TPD by 2000. Board staff recognize this information is not consistent with other information included in this item, and, therefore, are working with the operator and LEA to resolve the inconsistencies between the RDSI, the environmental documents and the proposed permit.

Environmental Controls The environmental control measures for dust, vectors, drainage, litter, fire, noise, and odor are described in the December 1995, Report of Disposal Information (RDSI). The LEA has determined that these controls, if applied, will meet the State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery Salvaging activities at the site are minimal because the waste is transferred from the Mammoth Materials Recovery where resource recovery occurs.

#### IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on March 14, 1995 the last day the Board may act is May 13, 1996.

The LEA has submitted a proposed permit to the Board. However, Board staff are currently reviewing the proposed permit, supporting documentation, and the updates as they are being received to determine whether the permit is acceptable for the Board's consideration of concurrence. An update on the outstanding issues identified in requirement number four and five below will be provided at the April committee meeting.

##### 1. Conformance with County Plan

The Fairmead Landfill is identified and described in the Madera County Solid Waste Management Plan, 1984 Revision, which has been approved by the County of Madera and by the city which contains a majority of the population of the incorporated area of the county. Based upon this information Board staff conclude that the requirements of PRC 50000 have been met.

2. Consistency with General Plan

According to the Minutes of the Madera County Planning Commission Findings, the General Plan designates the area of the Fairmead Landfill and adjacent land uses as Solid Waste Disposal and Agriculture. Based upon this information Board staff conclude that the facility is consistent with the County of Madera General Plan (PRC 50000.5). (See Attachment 4.)

3. Consistency with Waste Diversion Requirements

In accordance with the directions of LEA Advisory No. 28, dated July 26, 1995, the LEA has made an assessment, pursuant to PRC 44009, to determine if the record contains evidence that the proposed permit would prevent or substantially impair the achievement of waste diversion goals. On March 14, 1996, Board staff received the LEA's statement which indicates there is no evidence that the issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet Madera County's waste diversion goals.

4. California Environmental Quality Act (CEQA)

The Madera County Department of Engineering and General Services, acting as the Lead Agency, prepared an Environmental Impact Report for the Fairmead Landfill expansion indicating the project would not have a significant effect on the environment; mitigation measures were made a condition of the approval of the project. A Notice of Determination (SCH # 88021522) was prepared; however, it is not signed or dated and there is no indication that it was filed with the County Clerk.

The Madera County Planning Department, acting as the Lead Agency, prepared a Negative Declaration for the landfill height increase indicating the project would not have a significant effect on the environment; mitigation measures were made a condition of approval of the project. A Notice of Determination (SCH # 93112037) was filed with the County Clerk on December 24, 1993.

The Madera County Planning Department, acting as the Lead Agency, prepared a Negative Declaration (SCH # 93122021) for the establishment and operation of the MRF/TS, and change in operation of waste management practices to balefill at the Fairmead Landfill.

The Madera County Planning Department, acting as the Lead Agency, prepared a Mitigated Negative Declaration (MND) indicating no adverse environmental impact is anticipated from

the demonstration project use of Alternative Daily Cover (ADC) at the Fairmead Landfill; mitigation measure were made a condition of the approval of the project. A Notice of Determination (SCH # 95071101) was filed with the County Clerk on September 11, 1995.

Board staff are currently reviewing the submitted additional CEQA documentation and working with the LEA to determine if these documents are adequate for the Board's evaluation of the proposed project for those project activities which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board.

~~At this time, Board staff do not find that the CEQA documents analyze for the proposed increase in tonnage, the expanded hours of operation, and the acceptance of non friable asbestos and treated biohazardous wastes. During a telephone conference call between Board staff, the LEA and staff of Madera County Planning Department on March 22, 1996, the LEA and Planning Department indicated the additional CEQA documentation could be provided to Board staff by April 5, 1996.~~

5. Consistency with State Minimum Standards

The LEA has made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Disposal Site Information and supporting documentation.

However, on February 14, 1996, Board staff in conjunction the LEA, conducted a pre-permit inspection of the facility. Board staff found two violations of the Public Resources Code (PRC); the issuance of the proposed permit would correct these violations. Also, staff found the following violation of State Minimum Standards:

Title 14, California Code of Regulations,  
Section 17258.23 - Explosive Gas; landfill gas  
at the site boundary exceeds the 5% limit.

~~Board are currently working with the LEA to issue a Notice and Order to address this long term violation of State Minimum Standards. The operator has submitted a Interim Gas Monitoring and Control Plan, dated August 1995, as a part of the Closure and Post Closure Maintenance Plans. Although construction for the landfill gas extraction system and flare is not projected to occur until July 1997, it is anticipated that equipment start-up for the landfill gas extraction system and flare would be September 1, 1997. The LEA has issued a Notice and~~

Order, dated April 4, 1996, to the contract operator and owner which requires compliance with section 17258.23 and specifies the aforementioned dates as compliance dates for installation and start-up of an approved landfill gas control system.

6. Closure/Post Closure Maintenance Plans and Financial Mechanism Requirements

Title 14, California Code of Regulations (CCR), Section 18268 requires Closure and Post Closure Maintenance Plans for solid waste disposal facilities. The required preliminary plans for the landfill were deemed complete on August 10, 1995.

Madera County has established an Enterprise Fund and Pledge of Revenue Agreement as the financial assurance mechanisms for closure and post closure maintenance of the Fairmead Landfill. The mechanisms meet the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, sections 18285 and 18290. Based on the data provided by Madera County, the fund balance is adequate.

7. Operating Liability

Madera County has submitted a Certificate of Self-Insurance and Risk Management which provides coverage for operating liability. The requirement for operating liability insurance has been satisfied for this facility pursuant to 14 CCR, section 18237.

V. **STAFF RECOMMENDATION:**

Because a revised Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

~~Because this permit was submitted shortly before the due date for the April Permitting and Enforcement Committee agenda items, staff are unable to make a recommendation at this time. As this item goes to print, Board staff have not yet completed its analysis of the RDSI and the additional CEQA documents that are expected to be forthcoming as previously mentioned. Staff will complete their analysis and provide a recommendation at the committee meeting.~~

VI. **ATTACHMENTS:**

1. Location Map
2. Site Map
3. Permit No. 20-AA-0002
4. AB2296 Finding of Conformance

XAL-157

Board Meeting  
April 24, 1996

Agenda Item 49  
Page 11

Prepared by: Virginia Rosales Phone: 255-4168  
Reviewed by: Don Dier/Suzanne Hambleton Phone: 255-2453  
Approved by: Clinton L. Whitney Phone: 255-2431  
Legal Review: Kathryn J. Davis Date: 4/15/96

Relis  
this is not adequate  
LEA performance  
is staff taking a stronger  
enforcement staff

Review policies on:  
NFO

Permit Revision

for permit compliance

3-1  
clusters ~~that~~ objects  
Relis abstains  
approved by default

**IN CONSIDERATION OF THE IN-HOUSE  
WASTE PREVENTION POLICY**

**ATTACHMENTS 1 - 4**

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24-25, 1996

AGENDA ITEM 50

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW STANDARDIZED SOLID WASTE FACILITY PERMIT FOR THE TERRA-GRO INC., MENELEE RIVER RANCH COMPOST YARD, MERCED COUNTY

PREVIOUS COMMITTEE ACTION:

At the time this item went to print, the Permitting and Enforcement Committee had not yet taken action on this item

I. BACKGROUND

Facility Facts

Name: Terra-Gro Inc. Menefee River Ranch Compost Yard  
Facility No. 24-AA-0011

Facility Type: Proposed Composting Facility

Location: Highway 152 & Harmon Road, Los Baños

Area: 25 Acres

Setting: Zoned A-1, Agricultural

Design  
Capacity: 75,000 Cubic Yards (active compost on-site)

Operator/  
Owner: Terra-Gro Inc. Menefee Ranch Co.  
Mr. Richard M. Breien, Manager

LEA: Merced County Health Department  
Division of Environmental Health  
Mr. Jeff Palsgaard, Director

Proposed Project The proposed standardized permit would allow the operation of a new composting facility located in the County of Merced. The design capacity of the facility is 75,000 cubic yards of composting material at a given time. The facility will be composting municipal sludge from wastewater treatment plants

with bulking agents consisting of agricultural byproducts and yard residue. The composting material will be used as a soil amendment on property owned by the owner/operator of the facility.

## II. SUMMARY

Project Description Facilities that compost sewage sludge feedstock which does not meet Class B requirements (specified in 40 CFR 503), or which have more than 10,000 cubic yards of feedstock and active compost on-site at any one time, qualify for a Standardized Permit.

Menefee Ranch Compost Yard has applied for a Standardized Permit to operate a 25-acre sewage sludge composting facility on property owned by the Menefee Ranch Company near the City of El Nido, and the City of Los Baños, 12 miles south of Merced. The proposed facility consists of a 15-acre composting pad and a 10-acre compost storage area. The composting pad will be compacted and overlain with a one-foot layer of compacted clay. The entire composting facility will be enclosed by an engineered two-foot high berm which will direct runoff into an underground collection tank. The runoff will be recycled onto the sludge windrows.

Treated municipal sludge from wastewater treatment plants will be composted with bulking agents consisting of agricultural byproducts (manure, cotton stalks, etc.) and yard residue. The compost will be used as a soil amendment on approximately 2,000 acres of land owned by the Menefee Ranch Company and used for rangeland, pasture, and hay production. The maximum daily capacity of feedstock will be 440 tons of sewage sludge and 180 tons of green waste, with an average total daily throughput of 355 tons. The compost windrows will be built with 220 tons (65%) sewage sludge and 135 tons (35%) green waste.

The sewage sludge will be delivered to the site by covered and sealed semi-trailers and will be mixed with the bulking agent. The mixture will be formed into windrows and mechanically aerated at specific intervals. The windrows will be maintained at a temperature of 55°C or higher and aerated for a period of approximately 45 days. After the 45 days have elapsed, composite samples of the compost will be collected and submitted to a certified laboratory to determine that the compost complies with 40 CFR 503. Compost will be generated year around, weather permitting. Storage facilities will be available to store compost when conditions do not permit application of compost to ranch properties.



Environmental Controls The environmental control measures associated with dust, vectors, birds, litter, noise and odor are described in the Report of Composting Site Information (RCSI). The LEA has determined that these controls, if applied, will meet the State's Minimum Standards for Solid Waste Handling and Disposal.

### III. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit. Pursuant to the California Code of Regulations, Title 14, Section 18105.5(c), the Board has 30 calendar days to concur in or object to the issuance of a proposed standardized permit. Since the proposed permit for this facility was received on March 26, 1996, the last day the Board may act is April 25, 1996.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the permit and supporting documentation and offer the following analysis:

1. Conformance with the County Integrated Waste Management Plan

Because the Merced County Integrated Waste Management Plan was approved by the Board on March 27, 1996, the guiding statutes for County Integrated Waste Management Plan (CIWMP) conformance is Public Resources Code (PRC) 50001. The facility is identified and described in the Merced County and City of Los Baños Nondisposal Facility Element. The analysis used in making this determination is included as Attachment 4.

2. California Environmental Quality Act (CEQA)

State law requires compliance with the California Environmental Quality Act (CEQA) either through the preparation, circulation, and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

The Central Valley Regional Water Quality Control Board adopted a Mitigated Negative Declaration (MND) on August 17, 1995, for the proposed project, and a Notice of Determination was filed with the County Clerk on August 29, 1995.

The proposed Mitigation Measures are: 1) the potential for air quality pollution will be mitigated by watering sludge windrows and unpaved roads at least twice daily, in the late

morning and after work; all activity will cease when wind speeds are equal to or greater than 20 mph, all vehicles will be limited to speeds of no more than 15 mph; 2) the potential for nuisance will be mitigated by monitoring and turning the windrows regularly; 3) the potential for discharges into surface waters and groundwater by lining the composting area with clay, installment of monitoring wells, and collecting runoff water into a collection tank; 4) the potential for fire hazards will be mitigated by providing training to site personnel, and 5) the potential for health hazard will be mitigated by monitoring air emissions.

The MND was circulated through the State Clearinghouse (SCH #95022059) and on March 23, 1995, staff of the Board's Environmental Review Section provided comments on the environmental document.

Board staff reviewed the MND and have determined that CEQA documents are consistent with the proposed permit and are adequate for the Board's evaluation of the proposed project for those activities which are within the agency's expertise and or powers which are required to be carried out or approved by the Board.

3. Consistency with State Minimum Standards

The LEA and Board staff have determined that the facility's design and operation are adequate and consistent with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Composting Site Information and supporting documentation.

IV. STAFF RECOMMENDATION

Because a new Solid Waste Facility Permit is proposed, the Board must either concur with or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-164, concurring in the issuance of Standardized Permit No. 24-AA-0011.

V. ATTACHMENTS

1. Location Map
2. Site Plan
3. Proposed Permit No. 24-AA-0011
4. AB 2296 Findings
5. Permit Decision No. 96-164

Prepared by: Amalia Fernandez <sup>AF</sup> Phone: 255-3301

Reviewed by: Suzanne Hambleton/Don Dier <sup>SD 4/8/96</sup> Phone: 255-2453

Approved by: Clinton L. Whitney <sup>CLW</sup> Phone: 255-2431

Legal Review: Kathryn J. Jobier Date/Time: 4/15/96

**IN CONSIDERATION OF THE IN-HOUSE  
WASTE PREVENTION POLICY**

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## ATTACHMENT 5

California Integrated Waste Management Board  
Permit Decision No. 96-164  
April 24-25, 1996

**WHEREAS,** Terra-Gro Inc. proposes to operate a sewage sludge and green waste composting facility on 25 acres (15-acre composting pad and a 10-acre compost storage area) under a Standardized Permit; and

**WHEREAS,** the Central Valley Regional Water Quality Control Board (RWQCB), the lead agency, prepared a Mitigated Negative Declaration (MND), SCH #95022059, for the proposed project. The document was approved by the lead agency on August 17, 1995, and the Notice of Determination was filed on August 29, 1995; and

**WHEREAS,** Board staff reviewed the MND, provided comments, and determined that the CEQA document was adequate for the Board's evaluation of the proposed project for those projects which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board; and

**WHEREAS,** the design capacity is 75,000 cubic yards of active compost on-site at any one time; and

**WHEREAS,** Merced County Department of Public Health, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, a new Standardized permit for Terra-Gro Inc., Menefee River Ranch Compost Yard; and

**WHEREAS,** the proposed permit is consistent with the project description in the CEQA document; and

**WHEREAS,** the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Integrated Waste Management Plan, and compliance with CEQA; and

**WHEREAS,** LEA and Board staff have evaluated the application and proposed permit and determined that the facility will be able to operate in compliance with the applicable State Minimum Standards and standardized permit terms and conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 24-AA-0011.

# **CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24-25, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24 and 25, 1996

AGENDA ITEM 51

ITEM: CONSIDERATION OF PROPOSED FINANCIAL ASSURANCES  
ENFORCEMENT PROCEDURES FOR SOLID WASTE LANDFILLS  
FINANCIAL ASSURANCE VIOLATIONS

I. COMMITTEE ACTION

At the time this item went to print, it had not yet been considered by the Permitting and Enforcement Committee at the April 17, 1996 meeting.

II. SUMMARY

To help facilitate continued operator compliance with the solid waste landfill financial assurance requirements, staff of the Permitting and Enforcement Division propose implementation of the attached guidelines. Financial Assurances Section (FAS) staff propose to assume responsibility for taking appropriate enforcement action against operators violating the financial assurance requirements, in the event a local enforcement agency (LEA):

- elects to administer and enforce the financial assurance requirements, but fails to pursue enforcement action against an operator violating the financial assurance requirements; or
- if an LEA elects not to administer and enforce financial assurance requirements.

FAS proposes to implement this procedure upon approval from the Board.

To date, FAS staff have not initiated enforcement actions pertaining to financial assurance violations. LEAs, such as Yuba and Siskiyou have pursued enforcement against operators violating financial assurances regulations, with assistance from FAS staff.

The attached proposed procedure defines the scope and responsibilities of Integrated Waste Management Board (Board) staff in pursuing appropriate enforcement action.

These procedures are necessary to ensure that effective and consistent enforcement in the area of financial assurances, is achieved by all applicable agencies.

### **III. PREVIOUS COMMITTEE ACTION**

The Committee previously heard this item at the January 10, 1996 Permitting and Enforcement Committee Meeting, and recommended the item be reconsidered at the next Committee meeting. The Committee also heard this item at the February 7, 1996 Permitting and Enforcement Committee Meeting as an update item.

### **IV. OPTIONS FOR THE BOARD**

Board members may decide to:

1. Approve the enforcement procedures as recommended by staff.
2. Approve the enforcement procedures with recommended changes.
3. Direct staff to revise the procedures and/or provide additional information at a future Board meeting.

### **V. STAFF RECOMMENDATION**

Staff recommends the Board approve the FAS enforcement procedure as presented in this agenda item.

### **VI. ANALYSIS**

Staff examined the following documents to complete a comparative analysis of existing Board enforcement procedures and those of other agencies:

- Notice and Orders issued by Local Enforcement Agencies (i.e., Yuba, Imperial and Siskiyou counties).
- Stipulated Orders and Compliance Agreements issued by Local Enforcement Agencies.



- Corrective Action Orders issued by the Department of Toxic Substances Control. Many of these were issued for financial assurances violations only.
- Regulatory Tiers Permit Enforcement Policy.

The FAS enforcement procedure incorporates pertinent aspects of each of the above documents to ensure consistency. Board enforcement and legal staff were also consulted in preparing this procedure.

FAS staff also considered comments on this procedure provided by the local enforcement agencies, the regulated community and industry organizations, and made appropriate changes based on those comments. Those changes are noted in redline for new text, and strikeout for deleted text.

#### Background

The Financial Assurances Section (FAS) enforcement procedures are being proposed according to Public Resources Code (PRC) sections 44306, 45000, 45005, 45011 and 45023. According to Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, section 18282, "...the operator of each solid waste landfill shall demonstrate financial responsibility to the Board and the local enforcement agency...." Both the Board and LEAs have responsibility for ensuring that an operator meets the requirements of the regulations.

FAS staff believe the Board must take steps to implement an effective financial assurances enforcement program by the Board. There is a need for clear detailed guidelines regarding enforcement procedures related to financial assurance violations.

Notice and Orders and Stipulated Notice and Orders may also provide flexibility to all interested parties, by allowing the Board and LEA to consider permit actions and closure plan approvals while an operator is under an enforcement action.

#### Fiscal Impacts

None.

**VII. ATTACHMENT**

1. FAS Enforcement Procedure
2. Resolution #96-72

**VIII. APPROVALS**

Prepared By:	<u>Diana Thomas</u> <i>[Signature]</i>	Phone:	<u>x4045</u>
Reviewed By:	<u>Garth Adams</u> <i>[Signature]</i>	Phone:	<u>4063</u>
Reviewed By:	<u>Don Dier, Jr.</u> <i>[Signature]</i> <u>4/15/96</u>	Phone:	<u>          </u>
Reviewed By:	<u>Clinton Whitney</u> <i>[Signature]</i>	Phone:	<u>          </u>
Legal Review:	<u>Kathryn J. [Signature]</u>	Date/Time:	<u>4/15/96</u>

# FINANCIAL ASSURANCES ENFORCEMENT PROCEDURES

Permitting and Enforcement Division  
Financial Assurances Section (FAS)  
California Integrated Waste Management Board (IWMB)

Attachment 1

## I. Statutory and Regulatory Authority

The FAS enforcement procedures and authority to assess administrative civil penalties and civil penalties are being implemented according to Public Resources Code (PRC), sections 44306, 45000, 45005, 45011 and 45023, and Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 4. The following procedures clarify ~~Local Enforcement Agency (LEA)~~ and IWMB responsibilities regarding enforcement against solid waste facility operators who violate the statutory and regulatory requirements for financial assurances.

## II. IWMB and LEA Responsibility

According to PRC sections ~~43040~~, 43500 through 43610 and 14 CCR, Division 7, Chapter 5, Articles 3.3 and 3.5, sections 18230 and 18282, an operator of a solid waste landfill must demonstrate financial responsibility for closure and postclosure maintenance and operating liability respectively, to the Board and the local enforcement agency. ~~Therefore, both the IWMB and LEAs have responsibility for ensuring an operator meets the requirements of the regulations.~~

~~This procedure is designed for implementation by IWMB staff. LEAs are not required to use this procedure. The IWMB may consider using this procedure if an LEA, electing to administer and enforce the financial assurances program, fails to or chooses not to pursue appropriate enforcement action against an operator violating the financial assurance requirements, or if an LEA elects not to administer and enforce the financial assurances program. An LEA electing to administer and pursue enforcement action may use this procedure or the Enforcement Program Plan. The LEA will consult with the IWMB on issues of concern and send copies of all correspondence, notices, agreements, etc. to the appropriate IWMB staff.~~

~~If an LEA, electing to administer and enforce the financial assurances program fails to, or chooses not to pursue appropriate enforcement action, the LEA will be notified in writing of the IWMB's intentions to pursue enforcement action against an operator violating the financial assurance requirements. The IWMB will consult with the LEA on issues of concern, and copies of all correspondence, notices, agreements, enforcement orders etc., will be sent to the respective LEA.~~

## III. Issuance of Notice of Violation and Warning Letter

1. When FAS staff determine an operator is in violation of the regulations, a Notice of Violation (NOV) will be sent to the operator. An operator may be

notified by NOV at least three times within a 12 month period of the same financial assurances violation.

2. An operator may be in violation of either of the following:
  - The requirement to demonstrate financial assurances by providing an acceptable mechanism, according to 14 CCR, sections 18233 and 18283.
  - The requirements relating to maintenance of a mechanism according to 14 CCR, sections 18232 and 18282 (i.e., adequate funding, updating cost estimates for inflation, maintaining the integrity and required balance of a fund etc.).
3. If IWMB staff receives no response to the NOV or the operator fails to comply with the NOV, a Warning Letter (WL) ~~may~~ will be issued. The WL will put the operator on notice that if compliance is not achieved ~~in~~ within a specified timeframe, a Notice and Order will be issued.
4. When the IWMB ~~or LEA~~ determines the issuance of a WL is warranted, the ~~respective agency~~ IWMB will notify the ~~other LEA~~ of such action, in writing, and send a WL to the operator by certified mail. An operator has a specified timeframe to respond to the WL (e.g., 10 working days from receipt of the WL). A response by an operator may be as little as a phone call or as significant as documentation bringing the operator into compliance with the regulations. An operator must correct violations within the timeframe specified in the WL. During the specified timeframe, the IWMB ~~or LEA~~ may consider all contacts with an operator as "good faith efforts" to comply with the regulations, and may extend the timeframe to respond. Any extensions will be granted in writing by the ~~LEA or IWMB. Any extension of time by an LEA pursuing enforcement action must be approved by IWMB prior to granting an extension.~~

#### IV. Issuance of Notice and Order and Stipulated Notice and Order

1. If an operator fails to respond to the WL within the specified timeframe, the IWMB ~~or LEA~~ may draft a "Notice and Order" (N&O). The N&O contains a compliance schedule with penalties or provisions for imposing penalties. An operator will be given a specified timeframe (i.e., 10 working days from receipt of the N&O), to respond to the ~~issuing agency (IWMB or LEA)~~ with evidence of compliance, or request an alternative schedule for compliance. If an operator fails to conform with the compliance schedule within the specified timeframe as provided in the N&O, further enforcement action will be taken as specified in the N&O.

2. If an operator responds to the N&O by offering partial compliance immediately, and full compliance over a period of time, the IWMB or LEA may enter into a Stipulated Notice and Order (STIP) with the operator. A STIP may also be entered into at the request of an operator. As with the N&O, the STIP defines the parameters under which the operator is allowed to achieve full compliance with the regulations. ~~Any STIP issued by the IWMB or LEA pursuing enforcement action must be approved by the IWMB prior to issuance.~~

#### **V. Non-Penalty Options**

The IWMB or the LEA may consider options other than penalties to assist an operator in achieving compliance with the regulations including but not limited to:

- Placing restrictions on current financial assurance mechanism (e.g., require more frequent reporting requirements).
- Prohibiting use of current financial assurance mechanism and requiring the operator to establish a different mechanism, such as a trust agreement, letter of credit or surety bond.

#### **VI. Appeals Process**

Any aggrieved person may appeal an enforcement action by staff to the IWMB, pursuant to PRC sections 44309 and 44310, and 45030 through 45033 or to the superior court pursuant to PRC sections 45040 through 45042.

#### **VII. Calculation of Administrative Civil Penalties or Civil Penalties**

In addition to providing an acceptable demonstration of financial assurances, consideration of some penalty is required because of the economic benefit the operator received for noncompliance with the regulations and the unfair competitive advantage achieved by not complying with the regulations. A penalty amount may include the economic benefit the operator received from noncompliance, plus an amount which serves as a deterrent to continued noncompliance. For example, the deterrent amount may be 10% of the economic benefit plus recovery of the enforcement costs incurred by the IWMB. Suggested methods for calculating penalties and examples are described below:

##### **Lack of Liability Coverage**

The penalty for lack of liability coverage shall be based on the most recent minimum premium per year for insurance, times the number of years the operator is out of compliance (whole number rounded up), plus the deterrent amount.

a. Calculation for Lack of Liability Coverage

Calculation for not providing liability coverage is based on the minimum premium per year, times the number of years the operator is out of compliance [whole number], plus a deterrent (10% of economic benefit plus recovery of the enforcement costs incurred by the IWMB).

Minimum premium \$35,000/year. Operator out of compliance for eleven months at the time of penalty calculation (\$35,000 X 1).

Deterrent is \$3,500 (10% of \$35,000) plus costs incurred by the IWMB (personnel hours, travel costs etc.) \$3,200

So.....  $\$35,000 + \$3,500 + \$3,200 = \$41,700$

**\$41,700 is total penalty in this example**

Lack of Closure/Postclosure Assurance

Calculation for not providing coverage for closure and/or postclosure maintenance costs shall be based on the cost of a letter of credit or bond (e.g., 1% of cost estimate), plus a deterrent (10% of economic benefit plus recovery of the enforcement costs incurred by the IWMB), times a pro-rata factor for the period of noncompliance.

b. Calculation for Lack of Closure/Postclosure Assurance

Calculation for not providing coverage for closure/postclosure maintenance costs is based on the cost of a letter of credit or bond (e.g., 1% of cost estimate), plus a deterrent (10% of economic benefit plus recovery of the enforcement costs incurred by the IWMB), times a pro-rata factor for the length of time of noncompliance.

Total closure and postclosure costs = \$4,500,000

Cost of letter of credit or bond is 1% of \$4,500,000 = \$45,000

Deterrent is \$4,500 (10% of \$45,000) plus costs incurred by the IWMB (personnel hours, travel costs etc.) \$3,200, times a pro-rata factor for the length of time of noncompliance (11 months).

So.....  $\$45,000 + \$4,500 + \$3,200 = \$52,700$ ,  $11/12$  of \$52,700 = \$ 48,308.

**\$48,308 is total penalty in this example**

**Total combined penalty is \$90,008**

Negotiations of penalty amount are limited to evidence of coverage, verifiable ability to pay, and necessary payment schedule.

**VIII. Impasse on Negotiation and/or Payment of Civil Penalty**

If no settlement is reached, the IWMB may forward the matter to the Attorney General's Office (AG) for resolution. FAS staff will complete follow-up and consult with AG. FAS staff will provide necessary input and participation. If a settlement is not reached through the use of the AG, further legal action will be recommended.

**IX. Continued or Recurring Violations**

If an operator pays the initial penalty but fails to correct the deficiency or has recurring violations within a three year period, the process starts over, with higher deterrent values, and possible action to revoke permit, according to PRC section 44306, and/or closure of facility.

**California Integrated Waste Management Board**  
**Permit Decision No. 96-72**  
**Financial Assurances Enforcement Procedures**

**WHEREAS**, IWMB staff developed the Financial Assurances Enforcement Procedures according to all statutory and regulatory requirements; and

**WHEREAS**, all appropriate IWMB staff have reviewed and approved the proposed Financial Assurance Enforcement Procedures; and

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board finds that the proposed Financial Assurances Enforcement Procedures are consistent with statutory and regulatory requirements and, therefore, approves the Financial Assurances Enforcement Procedures for use by IWMB staff.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24 and 25, 1996.

Dated:

Ralph E. Chandler  
Executive Director



# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## Board Meeting

April 24, 1996

### AGENDA ITEM 52

#### ITEM: CONSIDERATION OF AWARD OF CONTRACTS FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (AB 2136)

##### I. SUMMARY

Implementation of the AB 2136 Program was approved by the Board on February 24, 1994. Approval included the AB 2136 Flow Chart and guidelines for cleanup of sites through matching grants to local governments, loans to responsible parties and local governments, grants to local enforcement agencies (LEA) for cleanup of illegal disposal sites (IDS), and direct site cleanups using Board-managed contracts.

Since the inception of the Solid Waste Disposal and Codisposal Site Cleanup Program, the Board has approved 37 sites for cleanup. Twenty-one sites have been cleaned up and the remaining 16 sites are in various stages of the program process.

The AB 2136 Program allows the Board to expend funds directly for cleanups through Board contracts. The Board approved four contracts to implement the AB 2136 Program on June 22, 1994; these contracts will expire in early June 1996. On October 24, 1995, the Board approved allocation of funds for fiscal year 1995/1996. The Board allocated \$1 million each for loans and matching grants; \$900,000 for LEA grants; and \$1.8 million for three Board contracts. The purpose of this item is to submit the following three contracts for Board consideration, to replace the expiring contracts:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>CONTRACT TYPE</u>
IWM-C3049	Granite Construction Company	Landfill and Disposal Site Remediation
IWM-C3050	Sukut Construction Inc.	Landfill and Disposal Site Remediation
IWM-C3051	CH <sub>2</sub> M Hill	Engineering Services

For the each of the two Landfill and Disposal Site Remediation Contracts, funds of \$650,000 are allocated from the 1995-96 fiscal year. In the future, upon Board approval, the amount of each contract may be supplemented with \$925,000, subject to availability in the 1996-97 fiscal year Budget Act, and an additional \$925,000, subject to availability in the 1997-98 fiscal year Budget Act, for a total per contract not to exceed \$2.5 million.

For the Engineering Services Contract, funds of \$396,500 are allocated from the 1995-96 fiscal year. In the future, upon Board approval, the amount may be supplemented with \$551,750, subject to availability in the 1996-97 fiscal year Budget Act, and an additional \$551,750, subject to availability in the 1997-98 fiscal year Budget Act, for a total not to exceed \$1.5 million.

Note: Two remediation contracts for \$650,000 each and one engineering contract for \$396,500 total only \$1,696,500. The difference between the \$1,800,000 Board-approved allocation and \$1,696,500 is \$103,500, which will go toward program share of pro rata monies to the Department of Finance.

## II. PREVIOUS COMMITTEE ACTION

At the time this item was written the Permitting and Enforcement Committee had not yet met.

## III. ACTION BEFORE THE BOARD

Board members may:

1. Approve some or all of the contracts presented by staff and forward to the full Board for action; or
2. Direct staff to provide additional information and bring the item back to future meetings of the Permitting and Enforcement Committee and the Board; or
3. Disapprove the contracts.

## IV. ANALYSIS

On June 22, 1994, the Board approved the following contracts for the AB 2136 Program:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>CONTRACT TYPE</u>
IWM-C3057	Sukut Construction, Inc.	Cleanup of Abandoned and Illegal Disposal Sites - Southern California
IWM-C3058	Norcal/San Bernardino, Inc.	Cleanup of Abandoned and Illegal Disposal Sites - Northern California
IWM-C3059	Granite Construction Co.	Landfill and Disposal Site Remediation
IWM-C3060	CH <sub>2</sub> M HILL	Environmental and Engineering Services

Based on approximately two years of managing the AB 2136 Program and its contractors, staff determined that three contracts are sufficient to effectively implement the program: two landfill and disposal site remediation contracts used for cleanup of illegal disposal sites and landfills and an engineering services contract to perform site investigations, provide plans and specifications for cleanups and remediations, and provide construction support services.

The proposal evaluation process used to select the contractors is outlined in Attachment 1. The following is the schedule the Corrective Action Section of the Closure and Remediation Branch used in the contract procurement process:

- January 15, 1996 Advertisement published in the State Contracts Register.
- January 29, 1996 RFQ Information Conference, 1:00 p.m. at Board Hearing Room.
- February 2, 1996 All written questions regarding the RFQ must be received at IWMB by 5:00 p.m.
- February 9, 1996 Response to written questions mailed to RFQ recipients.
- February 23, 1996 Qualifications Statements must be received by 2:00 p.m.
- March 8, 1996 Selection of highest ranked firms.
- March 20-22, 1996 Select the most qualified firms and begin contract negotiations.
- April 17, 1996 Present selected firm names to Permitting and Enforcement Committee for approval to take contracts to the Board.
- April 23, 1996 Take selected firms to Board for approval of contract.

Closure and Remediation Branch staff evaluated the Statement of Qualifications (SOQ) using criteria specified in the Request for Qualifications (RFQ) and selection criteria in Title 14, California Code of Regulations, Article 2, Section 17022. All qualification packages were reviewed for completeness using Attachment 2. A total of 14 contractors and 11 consultants submitted SOQs, with 6 contractors and 1 consultant being disqualified for incomplete/unresponsive packages. Complete SOQs were reviewed further, scored and ranked using Attachment 3. The qualification package review scores are summarized in Attachment 4. The four highest ranked firms were invited for interviews. The interviews were scored with the two highest ranked construction firms being selected for the Landfill and Disposal Site Remediation Contracts and the highest scoring consulting firm being selected for the Engineering Services Contract. Negotiations over rates for labor, equipment, testing and other items were conducted with the top ranked firm(s) for each contract.

#### V. STAFF RECOMMENDATION

Based on the evaluation process, staff recommend that the Board approve the following contracts for the Solid Waste Disposal and Codisposal Site Cleanup program:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>CONTRACT TYPE</u>
IWM-C3049	Granite Construction Company	Landfill and Disposal

IWM-C3050	Sukut Construction Inc.	Site Remediation Landfill and Disposal
IWM-C3051	CH <sub>2</sub> MHill	Site Remediation Engineering Services

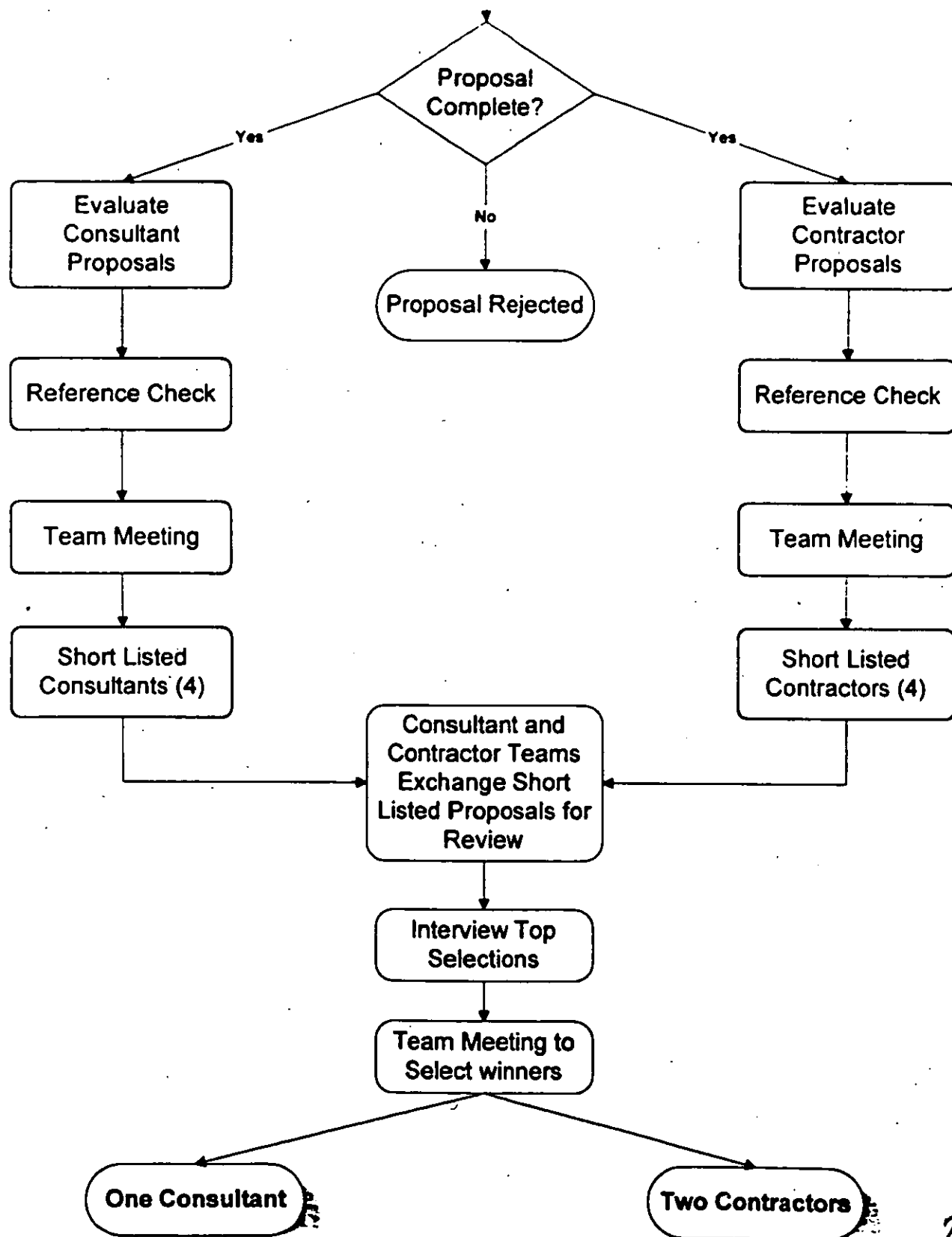
#### VI. ATTACHMENTS

- 1: Proposal Evaluation Process
- 2A: Landfill and Disposal Site Remediation Contracts (IWM-C5049 and IWM-C5050) RFQ Completeness Review
- 2B: Engineering Services Contract (IWM-C5051) RFQ Completeness Review
- 3A: Landfill and Disposal Site Remediation Contracts (IWM-C5049 and IWM-C5050) Qualifications Package Review
- 3B: Engineering Services Contract (IWM-C5051) Qualifications Package Review
- 4: AB 2136 Contractor Score Summary
- 5: Resolution

#### VI. APPROVALS

Prepared by: Marge Rouch/Wes Mindermann	255-2347
Reviewed by: Charlene Herbst	255-2301
Reviewed by: Clinton Whitney	255-2431
Reviewed by: Kathryn Tobias	255-2825

# Proposal Evaluation



**LANDFILL AND DISPOSAL SITE REMEDIATION  
CONTRACTS IWM-C5049 & C5050**

**RFQ COMPLETENESS REVIEW**

**BIDDER** \_\_\_\_\_

The Qualification Statement package must contain the following:

Cover letter with:

- Name and address of firm submitting package
- Name and telephone number of contact person for additional information
- Name, title, address, and telephone number of individual(s) able to negotiate contract
- Signature of individual authorized to sign contract and his/her title

Four copies and one, unbound reproducible copy of entire Qualifications Package (marked "Master")

Acknowledgment of Addendum No. 1 (probably on last page of Attachment A)

Completed Attachment A, Qualification Statement

Disclosure Statement, Attachment B

MBE/WBE/DVBE Participation, Attachment C

Disclosure if firm or firm's subs employed by State within last 2 years

Organization Chart

Audited Financial Statement

Equipment list

Is Qualification Package complete? YES \_\_\_\_\_ NO \_\_\_\_\_

If the Package is not complete, state which of the above have not been complied with, and hold package for legal review. No further action will be required, pending that review.

Please note that information included in the Qualifications Package may be deemed confidential or proprietary. If the Bidder designates information as confidential, it should be considered as exempt from disclosure under the Public Records Act and the Public Contract Code.

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**ENGINEERING SERVICES CONTRACT  
CONTRACTS IWM-C5051**

**RFQ COMPLETENESS REVIEW**

**BIDDER** \_\_\_\_\_

The Qualification Statement package must contain the following:

Cover letter with:

Name and address of firm submitting package

Name and telephone number of contact person for additional information

Name, title, address, and telephone number of individual(s) able to negotiate contract

Signature of individual authorized to sign contract and his/her title

Four copies and one, unbound reproducible copy of entire Qualifications Package (marked "Master")

Acknowledgment of Addendum No. 1 (probably on last page of Attachment A)

Completed Attachment A, Qualification Statement

Disclosure Statement, Attachment B

MBE/WBE/DVBE Participation, Attachment C

Disclosure if firm or firm's subs employed by State within last 2 years

Organization Chart

Audited Financial Statement

Is Qualification Package complete? YES \_\_\_\_\_ NO \_\_\_\_\_

If the Package is not complete, state which of the above have not been complied with, and hold package for legal review. No further action will be required, pending that review.

Please note that information included in the Qualifications Package may be deemed confidential or proprietary. If the Bidder designates information as confidential, it should be considered as exempt from disclosure under the Public Records Act and the Public Contract Code.

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**LANDFILL AND DISPOSAL SITE REMEDIATION  
CONTRACTS IWM-C5049 & C5050**

**QUALIFICATIONS PACKAGE REVIEW**

(Please place any comments in space beneath the criteria.)

<u>CRITERIA</u>	<u>Maximum Points</u>	<u>SCORE</u>
1. Experience and training of the Program Manager, Project Managers and other key personnel as related to work described in this RFQ.	20	_____
2. Adequacy and availability of personnel and equipment required to complete work required by the RFQ.	20	_____
3. Specialized qualifications for work to be performed.	15	_____
4. Quality and timeliness of recently completed or nearly completed projects which were similar to work described in this RFQ.	15	_____
5. Firm's experience in executing contracts of a similar nature.	10	_____
6. Firm's overall experience, reliability and continuity.	10	_____
7. Knowledge of applicable regulations and technology associated with RFQ.	10	_____
<b>TOTAL</b>		_____
<b>BIDDER</b>		_____
<b>REVIEWER</b>		_____
<b>DATE</b>		_____

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**ENGINEERING SERVICES CONTRACT  
CONTRACT IWM-C5051**

**QUALIFICATIONS PACKAGE REVIEW**

(Please place any comments in space beneath the criteria.)

<u>CRITERIA</u>	<u>Maximum Points</u>	<u>SCORE</u>
1. Experience and training of the Program Manager, Project Managers and other key personnel as related to work described in this RFQ.	20	_____
2. Adequacy and availability of personnel required to complete work required by the RFQ.	20	_____
3. Quality and timeliness of recently completed or nearly completed projects which were similar to work described in this RFQ.	15	_____
4. Specialized qualifications or capabilities for work to be performed.	15	_____
5. Firm's overall experience, reliability and continuity.	10	_____
6. Knowledge of applicable regulations and technology associated with RFQ.	10	_____
7. Firm's experience in executing contracts of a similar nature.	10	_____
<b>TOTAL</b>		_____

**BIDDER** \_\_\_\_\_

**REVIEWER** \_\_\_\_\_

**DATE** \_\_\_\_\_

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## AB 2136 CONTRACTOR SCORE SUMMARY

<u>Contracts IWM-C5049 &amp; C5050</u>	<u>SOQ Score</u>	<u>Interview Score</u>
Granite Construction	96.0	91.3
Sukut Construction	87.0	82.5
A. E. Schmidt	79.0	78.8
Norcal/San Bernardino	73.5	76.0
Decon	67.0	
C. A. Rasmussen	65.0	
W. M. Lyle Co.	54.0	
Robimson	52.0	
 <u>Contract IWM-C5051</u>		
CH2M Hill	87.3	84.3
Emcon	86.0	68.8
IT/Geosyntec	84.3	82.0
Bryan A. Stirrat	82.7	78.8
SCS	71.7	
Geomatrix	66.7	
Levine Fricke	66.0	
EBA	63.3	
Cascade Pacific	43.3	
Nova	35.0	
 <u>Review Committee</u>		
Todd Thalhamer		
Scott Walker		
Jeff Cornette		
Marge Rouch		

## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## RESOLUTION 96-166

FOR AWARD OF CONTRACTS FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL  
SITE CLEANUP PROGRAM (AB 2136)

WHEREAS, Public Resources Code (PRC) Sections 48020 et seq. authorizes the Board to implement the Solid Waste Disposal and Codisposal Site Cleanup Program to remediate environmental problems caused by solid waste and to cleanup up illegal disposal sites to protect public health and safety and the environment; and

WHEREAS, the Board has approved guidelines and policies for this program to cleanup sites; and

WHEREAS, the Board approved allocation of 1995/1996 funds for contract concepts; and

WHEREAS, this program allows the Board to expend funds directly for cleanup.

NOW THEREFORE, BE IT RESOLVED that the Board approves these contracts for Board directed remediation projects:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>CONTRACT TYPE</u>
IWM-C3049	Granite Construction Company	Landfill and Disposal Site Remediation
IWM-C3050	Sukut Construction Inc.	Landfill and Disposal Site Remediation
IWM-C3051	CH <sub>2</sub> M Hill	Engineering Services

## CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
April 24 & 25, 1996

AGENDA ITEM 53

ITEM: CONSIDERATION OF SITES FOR REMEDIATION UNDER THE WASTE  
TIRE STABILIZATION AND ABATEMENT PROGRAM

I. COMMITTEE ACTION

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

II. SUMMARY

Implementation of the Waste Tire Stabilization and Abatement Program was approved by the Board on August 31, 1994. Public Resources Code (PRC) section 42846 authorizes the Board to expend money from the California Tire Recycling Management Fund to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public health or safety at waste tire sites where responsible party(s) failed to take appropriate action as ordered by the Board. The Board has approved an \$800,000.00 contract for the stabilization and abatement of illegal waste tire sites. The following is a table showing the waste tire sites that staff is bringing before Committee for recommendation to the Board for abatement. The waste tire sites are described in more detail in Attachments 1-4.

<u>Site Name</u>	<u>SWIS Number</u>	<u>County</u>	<u>Est. Cost</u>	<u>Attachment</u>
East Norman WTS	36-TI-0142	San Bernardino	\$ 30,000	1
Valley & Poplar WTS	36-TI-0527	San Bernardino	22,500	2

Mission WTS	36-TI-0148	San Bernardino	600,000	3
Vallejo				
Pull-A-Part	28-TI-0001	Napa	36,000	4

### III. PREVIOUS COMMITTEE (BOARD) ACTION

At the August 31, 1994, Board Meeting, the Board approved a 1994-1995 fiscal year contract concept for one million dollars for the Waste Tire Stabilization and Abatement Program.

At the April 1995 Board Meeting, the Board approved the award of contracts for environmental and engineering services as well as stabilization and abatement of illegal waste tire sites.

The Board previously approved eight sites for remediation. After the Board approved these eight sites, four were remediated by the property owners. These sites were cleaned without the Board expending any contractual remediation funds. The remaining four sites have been forwarded to the contractor for preparation of remediation bids. It appears one more of these sites will result in property owner remediation due to the Board's continued enforcement efforts of filing criminal charges against the responsible parties and the district attorney prevailing in the court action.

### IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the sites recommended by staff.
2. Direct staff to provide additional information at a future Permitting and Enforcement Committee meeting.

**V. STAFF RECOMMENDATION**

Staff recommends that the Board approve the sites described in Attachments 1-4 for abatement under the Waste Tire Stabilization and Abatement Program.

**VI. ANALYSIS**

The staff review process for sites submitted for approval includes the following actions:

- A. Research of Board records to determine site ownership and possible responsible parties.
- B. Conduct a site visit, take photographs, make a rough determination of quantities of waste tires and prepare a preliminary cost estimate.
- C. Issue a Letter of Violation and/or a Notice and Order, where appropriate.

Site selection is based on many criteria, including the severity of the problems and surrounding land uses. The sites proposed in this item were selected based on investigation of many sites throughout the state. All of these sites represent a threat to public health and safety or the environment.

Background

To address the issue of the growing accumulation of waste tires in landfills and stockpiles around the state and to promote the recycling of waste tires, Assembly Bill 1843 (Brown, Statutes of 1989) was signed into law in 1989. The passage of AB 1843 enacted, in part, a major environmental regulatory program to control the storage and disposal of waste tires. AB 1843 (later recodified by SB 937) required persons who store more than 500

waste tires at a specific location to register their stockpiles with the Board and required the Board to adopt emergency and final regulations for the permitting of waste tire facilities (WTF).

The Board adopted Emergency WTF Permitting Regulations followed by final Regulations (Title 14, Division 7, Chapters 3 and 6, California Code of Regulations), which became effective on November 3, 1993. The purpose of the WTF Regulations is to implement technical standards for the storage of waste tires at WTFs and landfills that will conserve landfill capacity and promote the safe storage of waste tires and to establish a permitting system for WTFs.

Public Resources Code (PRC) section 42845(a) states that any person who stores, stockpiles, or accumulates waste tires at a location for which a waste tire facility permit is required or in violation of a WTF permit, or the statute or regulations governing the permitting and storage of waste tires, shall, upon order of the Board, clean up those waste tires or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action.

PRC Section 42846(a) allows the Board to expend available money in the California Tire Recycling Management Fund. These moneys can be spent to perform any cleanup, abatement, or remedial work required under the circumstances set forth in section 42845 which in its judgment is required by the magnitude of endeavor or the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health or safety.

Stabilization is designed to reduce an unmanageable risk to public health and the environment to a manageable risk through breaking the tire pile into manageable units; developing fire fighting plans, including fire fighter access to areas in and around the site; providing for mosquito control; and providing security to prevent pile growth, deter arson, and provide early detection of any fires. If tires are to be removed from the

site, the destination and any processing that will be necessary will be specified. If tires are to be relocated on the site, the new location, method of movement, and any processing that will be necessary will be included.

Abatement entails the elimination of a waste tire stockpile. The ultimate objective of the Board's waste tire program is total abatement of sites that come under PRC section 42846(a); however, depending on the funds available and the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health or safety, some sites may be stabilized prior to abatement by utilizing remedial activities.

Staff also proposes prioritizing WTFs in order to focus the limited staff resources and available funds on the most important sites, first. Prioritization will be based on risk of substantial pollution, nuisance, or injury to the public health or safety.

It is important to point out that many sites are remediated by the responsible parties. During the last year at least 55 sites were brought into compliance as a result of staff's efforts to obtain owner/operator cooperation. These sites were either remediated by the operator/owner removing the waste tires or the operators obtaining the necessary permit/exclusion. Staff continues to make every effort to obtain compliance prior to referring a site for Board remediation. All sites remediated by the Board may be considered for cost recovery in accordance with Section 42847 Public Resources Code.

#### VII. ATTACHMENTS

1. East Norman Road Waste Tire Site, San Bernardino County  
(36-TI-0142).
2. Valley & Poplar Waste Tire Site, San Bernardino County  
(36-TI-0527).



3. Mission Waste Tire Site, San Bernardino County  
(36-TI-0148)
4. Vallejo Pull-A-Part, Napa County (28-TI-0001)
5. Proposed Board Resolution 96-73.

VIII. APPROVALS

Prepared By:	Gale Rehberg <i>GR</i>	Phone:	255-3895
Reviewed By:	Garth Adams, Don Dier <i>DD</i> <i>4/24/96</i>	Phone:	255-2453
Reviewed By:	Clinton L. Whitney <i>CLW</i>	Phone:	255-2431
Legal Review:	Suzanne Small <i>SS</i>	Date/Time:	255-2207

*Kathryn*  
*Cost Recovery*  
*Vallejo Pull-A-Part*  
*AG converting to civil penalty*  
*so we can lien the property*  
*Mission*  
*referred to AG*  
*Valley Poplar*  
*referred to AG*  
*East Norman*  
*AG, penalty assessed; collect*  
*via Hien*

## **East Norman Road Waste Tire Site San Bernardino County**

**Site Description:** Approximately 10,000 waste tires have been stockpiled along the eastern fenceline of a 3 acre wrecking yard owned by Ms. Norma Dodd. Although this property is located in a medium density residential area of the City of San Bernardino, high density residential neighborhoods lie within 1/4 of a mile of the site.

**Location:** 24656 East Norman Road, San Bernardino; APN #280-201-16

**Site Priority:** Illegal Waste Tire Site Priority 1 - Residential homes are located within 1000 feet of the site.

**Proposed Method of Cleanup:** Remove tires using the CIWMB's Waste Tire cleanup contractor. Contractor will be asked to provide bids with various end use facilities.

**Preliminary Estimate of Cleanup Cost:** \$30,000

**Permits:** None Issued

**Enforcement Actions:** CIWMB Letters of Violation dated March 21, 1995 and July 5, 1995 for violations of Division 30 of the Public Resources Code (PRC) and Title 14, California Code of Regulations (14 CCR): 30 PRC 42822, 14 CCR 17353, 14 CCR 17354; 14 CCR 18423.

CIWMB Notice and Order (N&O) #95-30, dated August 24, 1995, requiring removal of all waste tires from the premises by November 15, 1995 was delivered certified mail to the property owner on August 30, 1995. On March 1, 1996, an Administrative Hearing was conducted in Los Angeles against Ms. Dodd. In this Administrative action, the CIWMB was requesting a penalty of \$10,000. The CIWMB was awarded the requested \$10,000 in penalty by the Administrative Law Judge in a decision dated March 29, 1996. To date, Ms. Dodd has not complied with (N&O) #95-30 and CIWMB staff have exhausted all enforcement efforts in an attempt to obtain compliance.

**Other Staff Comments and Recommendations:** The tire site presents a significant threat to the health and safety of the public in nearby residences and businesses. This threat necessitates prompt action for removal of the waste tires. The threat is considered significant due to the potential for fire with resultant fumes and residue as well as the potential for vector harborage and breeding.

The property owner did not submit a removal/disposal plan to the

CIWMB as requested in the Letters of Violation.

Staff recommend a CIWMB managed cleanup to eliminate the threat to the public health and safety this waste tire site represents and to consider cost recovery pursuant to Public Resources Code Section 42847.

## Valley & Poplar Waste Tire Site San Bernardino County

**Site Description:** Approximately 7,500 waste tires have been stockpiled on a piece of property formerly leased to a roofing tile business. The site is located in a residential, commercial & industrial area of Fontana on Valley Boulevard, in close proximity to the U.S. Interstate 10 freeway. In addition to waste tires on the site there are also scrap roofing tiles remaining from the prior business.

**Location:** 15713 Valley Boulevard, Fontana; APN #023-211-01

**Site Priority:** Illegal Waste Tire Site Priority 1 - Residences and businesses are located in the immediate area of the site. The Interstate 10 freeway and Valley Boulevard (both major thoroughfares) are adjacent to the site. The U. S. Interstate 10 freeway is located within 1000 feet.

**Proposed Method of Cleanup:** Remove tires using the CIWMB's Waste Tire cleanup contractor. Contractor will be asked to provide bids with various end use facilities.

**Preliminary Estimate of Cleanup Cost:** \$22,500

**Permits:** None Issued

**Enforcement Actions:** CIWMB Letters of Violation dated October 12, 1995 and November 27, 1995 for violations of Division 30 of the Public Resources Code (PRC) and Title 14, California Code of Regulations (14 CCR): 30 PRC 42822, 14 CCR 17351, 14 CCR 17352, 14 CCR 17353, 14 CCR 17354, 14 CCR 18423.

CIWMB Notice and Order (N&O) #96-05, dated February 15, 1996 requiring removal of all waste tires from the premises by March 31, 1996, was sent by certified mail to the property owner on February 15, 1996. Board staff are pursuing further enforcement action.

In addition, the City of Fontana has found this property to be a public nuisance and held an Administrative Hearing with the property owner. The City's Code enforcement Office has requested CIWMB assistance in remediating this site.

**Other Staff Comments and Recommendations:** The tire site presents a significant threat to the health and safety of the public in nearby residences and businesses. Further, there is potential threat (both in financial and safety) to the closure of the U. S. Interstate 10 freeway. This threat necessitates prompt action

for removal of the waste tires. The threat is considered significant due to the potential for fire with resultant fumes and residue as well as the potential for vector harborage and breeding.

The property owner did not submit a removal/disposal plan to the CIWMB as requested in the Letters of Violation.

Staff recommend a CIWMB managed cleanup to eliminate the threat to the public health and safety this waste tire site represents and to consider cost recovery pursuant to Public Resources Code Section 42847.

## Mission Waste Tire Site San Bernardino County

**Site Description:** Approximately 200,000 waste tires have been stockpiled behind this business address in an industrial and residential area of the City of Ontario. The tires were stockpiled with the hope of selling them to the now defunct Rialto Power Plant. Apartment buildings, a mobile home park, and several single family residences are located adjacent to and within 1,000 feet of the tire site. The Ontario International airport is located within three miles of this site. Although the tire site is located behind the business, it is clearly visible from Mission Boulevard.

**Location:** 5542 and 5556 W. Mission Boulevard, Ontario; APN# 101-125-108.

**Site Priority:** Illegal Waste Tire Site Priority 1 - Residences and businesses are located in the immediate area of the site. Mission Boulevard is a major east-west thoroughfare in the City of Ontario. Ontario International Airport is located on Mission Boulevard just three miles to the east.

**Proposed Method of Cleanup:** Remove tires using the CIWMB's Waste Tire cleanup contractor. Contractor will be asked to provide bids with various end use facilities.

**Preliminary Estimate of Cleanup Cost:** \$600,000

**Permits:** None Issued

**Enforcement Actions:** CIWMB Letters of Violation dated July 5, 1995 and August 25, 1995 for violations of Division 30 of the Public Resources Code (PRC) and Title 14, California Code of Regulations (14 CCR): 30 PRC 42822, 14 CCR 17351, 14 CCR 17353, 14 CCR 17354, 14 CCR 18423.

CIWMB Notice and Order (N&O) #96-04, dated February 2, 1996 requiring removal of all waste tires from the premises by June 30, 1996, was sent by certified mail to the property owner on February 2, 1996. The responsible operator/owner died in December 1995 and the spouse has filed bankruptcy. At this time it is unclear what the final outcome will be from the bankruptcy proceedings.

**Other Staff Comments and Recommendations:** The tire site presents a significant threat to the health and safety of the public in nearby residences and businesses. Further, there is the potential threat (both financial and safety) to closure of the Ontario International Airport and/or Mission Boulevard in the event of fire at this site. The current volume and configuration

of tires at this site poses a significant threat to the fire fighting capabilities of the local fire agencies. This threat necessitates prompt action for removal of the waste tires. The threat is considered significant due to the potential for fire with resultant fumes and residue as well as the potential for vector, harborage and breeding.

The property owner did not submit a removal/disposal plan to the CIWMB as requested in the Letters of Violation. The property owner's wife is not capable of removing the tires by June 30, 1996 as directed in the CIWMB cleanup order (N&O #96-04).

Staff recommend a CIWMB managed cleanup to eliminate the threat to the public health and safety this waste tire site represents and to consider cost recovery pursuant to Public Resources Code Section 42847.

## Vallejo Pull-a-Part Napa County

**Site Description:** Approximately 12,000 waste tires have been stockpiled in a remote and rural wetland area in Vallejo. This area is zoned for commercial and industrial types businesses. Many tires at this site have been stockpiled still on the rims. In 1994, Napa County Department of Environmental Management (NCDEM) referred this site to the CIWMB after a fire consumed approximately 500 waste tires and closed the local airport for approximately 5 hours.

**Location:** 2744 Green Island Road, Vallejo; APN #58-060-01

**Site Priority:** Illegal Waste Tire Site Priority 2 - Commercial and industrial businesses are less than 1,000 feet from waste tire site.

**Proposed Method of Cleanup:** Remove tires using the CIWMB's Waste Tire cleanup contractor. Contractor will be asked to provide bids with various end use facilities.

**Preliminary Estimate of Cleanup Cost:** \$36,000

**Permits:** None Issued

**Enforcement Actions:** NCDEM Letters of Violation dated November 2, 1993 for violations of Division 30 of the Public Resources Code (PRC) and Title 14, California Code of Regulations (14 CCR): 30 PRC 42822, 14 CCR 17351, 14 CCR 17352, 14 CCR 17353, 14 CCR 17354, 14 CCR 18423.

CIWMB Notice and Order (N&O) #94-01, dated April 28, 1994 requiring a corrective action plan by June 1, 1994 was delivered certified mail to the property owner on April 30, 1994.

In addition, the Board filed an administrative complaint against the operator. On May 22, 1995, the Administrative Law Judge fined the operator \$7,500 for the illegal waste tire site. To date, the operator has failed to remove the waste tires from the site.

**Other Staff Comments and Recommendations:** The tire site presents a significant threat to the health and safety of the public in nearby businesses. Further, another potential threat is to the Napa County Airport. The current volume and configuration of tires at this site pose a significant threat to the fire fighting capabilities. This threat necessitates prompt action for removal of the waste tires. The threat is considered significant due to the potential for fire with resultant fumes and residue as well as the potential for vector harborage and breeding.



The property owner did not submit a removal/disposal plan to the CIWMB as requested in the Letter of Violation.

Staff recommend a CIWMB managed cleanup to eliminate the threat to the public health and safety this waste tire site represents and to consider cost recovery pursuant to Public Resources Code Section 42847.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION # 96-73

FOR APPROVAL OF REMEDIATION OF FOUR WASTE TIRE SITES UNDER THE  
WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM

WHEREAS, Public Resources Code (PRC) section 42846 authorizes the Board to expend money from the California Tire Recycling Management Fund to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public health or safety at waste tire sites where responsible parties failed to take appropriate action as ordered by the Board.

WHEREAS, the owner/operator of the following sites have not complied with either the Letter of Violations or Notice and Orders issued by the Board:

East Norman Waste Tire Site	36-TI-0142
Valley and Poplar Waste Tire Site	36-TI-0527
Mission Waste Tire Site	36-TI-0148
Vallejo Pull-A-Part	28-TI-0001

NOW THEREFORE, BE IT RESOLVED that the Board approves the above four sites for immediate funding for cleanups under the Waste Tire Stabilization and Abatement Program. The Board directs staff to implement remediation measures and to encumber the funding for the cleanup of these sites and to consider cost recovery pursuant to Section 42847 Public Resources Code.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24 and 25, 1996.

Dated:

Ralph E. Chandler  
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

April 24, 1996

**AGENDA ITEM 54**

**ITEM:** Consideration of Recision of 30-Day Notification of the Intent to Withdraw Approval of the Designation of the Trinity County Local Enforcement Agency

**COMMITTEE ACTION:**

At the time this item went to print the Permitting and Enforcement Committee had not taken action on this item.

**I. SUMMARY**

The Trinity County Department of Health and Human Services, Health Services Section, the agency designated by the Trinity County Board of Supervisors to act as LEA for Trinity County, has contracted with the CIWMB-certified LEA for Shasta County to form a "contract jurisdiction" and thereby fulfill its duties and responsibilities for adequate technical staffing.

On February 26, 1996, representatives of Shasta and Trinity Counties signed an addendum to a personal services agreement that addressed solid waste LEA responsibilities. On March 6, 1996, the Shasta County LEA provided documentation that demonstrated their understanding of the statutory and regulatory requirements to form a "contract jurisdiction" for LEA program responsibilities in Shasta and Trinity Counties. CIWMB staff responded with a March 15, 1996 letter (attached) to Trinity County which explained the CIWMB's actions at its February 27, 1996 meeting and related CIWMB staff's intent to recommend recision of the CIWMB's notice to withdraw its approval of the Trinity County LEA's designation. CIWMB staff's recommendation for recision was a response to the involved LEAs' actions to address available options for maintenance of staff technical expertise.

The Shasta County LEA is currently providing technical staff and performing LEA duties as reflected in the out-of-date Enforcement Program Plan EPP for Trinity County.

**II. PREVIOUS COMMITTEE/BOARD ACTION**

At its February 27, 1996 meeting, the CIWMB directed staff to continue to meet the statutory requirements of Public Resources Code (PRC) Section 43215 which requires notification of the LEA of the specific reasons for finding that this LEA is not fulfilling its responsibilities and the CIWMB's intention to withdraw its approval of the LEA's designation.

### III. OPTIONS FOR COMMITTEE/BOARD

- 1) Rescind the 30-Day notification of the intent to withdraw approval of the designation of the Trinity County Local Enforcement Agency.
- 2) Allow the 30-Day notification of the intent to withdraw approval of the designation to remain in effect. (This would allow Trinity County no more than 90 days from the receipt date of the CIWMB's March 15, 1996 letter to complete the required paperwork for certification and forward it to the CIWMB.)

### IV. STAFF RECOMMENDATION

Rescind the notification of the Trinity County LEA of the CIWMB's intention to withdraw its approval of the designation and provide ongoing guidance to the Shasta County LEA for submittal of the new EPP reflecting the new contract jurisdiction's adequacy of technical expertise.

### V. ANALYSIS

The LEA program in Trinity County has been in transition since initial certification as part of a "contract jurisdiction" with Glenn and Del Norte Counties in January, 1993. With the passage of AB 457, the PRC and related changes to Title 14, California Code of Regulations (14 CCR) allowed the LEA to obtain a temporary certification from the CIWMB and use less than one full-time REHS for LEA program implementation. The Trinity County LEA continued to implement their LEA program with a temporary certification when, in July, 1995, county staff replaced State Department of Health Services staff who had been operating under the provisions of Health and Safety Code Section 1157.1.

The Trinity County LEA staff submitted an updated EPP in August, 1995, reflecting the staffing and organizational changes of July. In the second half of 1995, this new LEA staff assisted in the dramatic changes made toward winterization at the Weaverville Landfill (53-AA-0013). When CIWMB staff began the evaluation process in early November, they were informed that another staff change was impending. The evaluation process was interrupted until a resolution of this staffing and technical expertise deficiency would again provide a viable program for evaluation.

When, in December, 1995, the LEA's one REHS staff person left the agency, CIWMB staff were assured that written notification and proposals for the resolution of this staffing deficiency would be received. CIWMB staff notified the LEA formally in a January 23,

1996, letter of the need to address the lack of adequate staff to fulfill the LEA's EPP. Required monthly inspections by qualified LEA staff did not occur in January, 1996, within the jurisdiction. The CIWMB, at the February 27, 1996 meeting, directed CIWMB staff to continue to fulfill the statutory requirements of PRC Section 43215 which requires notification of the LEA of the specific reasons for finding that this LEA is not fulfilling its responsibilities and of the CIWMB's intention to withdraw its approval of the LEA's designation.

On February 26, 1996, representatives of Shasta and Trinity Counties signed an addendum to a personal services agreement that addressed solid waste LEA responsibilities. On March 6, 1996, the Shasta County LEA provided documentation that demonstrated their understanding of the statutory and regulatory requirements to form a "contract jurisdiction" for LEA program responsibilities in Shasta and Trinity Counties. These two counties would form one jurisdiction and utilize the technical expertise from Shasta County. CIWMB staff responded with a March 15, 1996 letter (attached) to Trinity County which explained the CIWMB's actions at its February 27, 1996 meeting and related CIWMB staff's intent to recommend rescission of the CIWMB's notice to withdraw its approval of the Trinity County LEA's designation.

The Shasta County LEA is currently fulfilling the regulatory requirements for technical staff adequacy and the LEA duties as defined in the existing EPP for Trinity County. A new combined EPP is under preparation for future CIWMB consideration in certifying the LEA for the newly combined jurisdiction.

#### VI. ATTACHMENTS

March 15, 1996, letter from CIWMB staff to the Trinity County LEA.

A CIWMB resolution for rescission of 30-day notification of the intent to withdraw approval of the designation of the Trinity County LEA.

#### VII. APPROVALS

Prepared by: Jeff Watson *JW* Phone 255-3850

Reviewed by: Mary T. Coyle/H. Thomas Unsell *mc Coyle HTU* Phone 255-2298

Approved by: Clinton L. Whitney *CLW* Phone 255-2431

Legal review by: Kathryn J. Tobias *KJ Tobias* Phone 255-2825

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**RESOLUTION NO. 96-159**

**April 24, 1996**

Recision of the 30-day notification of the intent to withdraw approval of the designation of the Trinity County Department of Health and Human Services, Health Services Section as the Local Enforcement Agency for the County of Trinity.

**WHEREAS**, on November 2, 1995, CIWMB staff were informed of a staffing deficiency which resulted in the Trinity County Local Enforcement Agency not fulfilling the requirement of maintaining adequacy of staff and technical expertise; and

**WHEREAS**, on February 27, 1996, the CIWMB voted to send a 30-day notification to withdraw approval of the designation of Trinity County Department of Health and Human Services, Health Services Section as they no longer fulfilled their staffing and technical expertise requirements; and

**WHEREAS**, on March 6, 1996, CIWMB staff received documentation from the Shasta County LEA that demonstrated their understanding of the statutory and regulatory requirement to form a "contract jurisdiction" for LEA program responsibilities in Shasta and Trinity Counties;

**WHEREAS**, this "contract jurisdiction" for LEA program responsibilities will combine Shasta and Trinity Counties utilizing existing staff expertise in Shasta County;

**NOW, THEREFORE, BE IT RESOLVED**, the California Integrated Waste Management Board rescinds the 30-day notification of the intent to withdraw approval of the designation of Trinity County Department of Health and Human Services, Health Services Section as the Local Enforcement Agency for the County of Trinity.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24, 1996.

Date:

Ralph E. Chandler  
Executive Director

## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

4400 California Drive  
Sacramento, California 95834



March 15, 1996

Jeannie Nix-Temple  
Office of the County Administrator  
County of Trinity  
P.O. Box 1613  
Weaverville, CA 96093

Subject: Status of Local Enforcement Agency in Trinity County

Dear Ms. Nix-Temple:

The purpose of this letter is to confirm your conversation with California Integrated Waste Management Board (CIWMB), LEA Section staff regarding CIWMB actions at the February 27, 1996 meeting.

The CIWMB directed staff to notify Trinity County of the intent to withdraw its approval of the designation of Trinity County Department of Health and Human Services, Health Services Section as Local Enforcement Agency (LEA) effective 30 days from receipt of this notification. This action was taken because the CIWMB found that 1) the Trinity County LEA was not fulfilling its responsibilities (Public Resources Code (PRC) Section 43214(d)); and 2) lack of adequate technical staff as required by Title 14, California Code of Regulations (14 CCR) Section 18072.

However, since the CIWMB's February 27, 1996 meeting, staff from the Shasta County LEA have provided CIWMB staff with documentation that demonstrates an understanding of the statutory and regulatory requirements to form a "contract jurisdiction" for LEA program responsibilities in Shasta and Trinity Counties. CIWMB staff intend to report to the CIWMB in April, 1996, that a signed agreement between Shasta and Trinity Counties regarding solid waste enforcement agency responsibilities has been submitted and required monthly inspections were performed by qualified personnel in February, 1996. CIWMB staff will recommend that the CIWMB rescind its notice to withdraw its approval of the designation of Trinity County Department of Health and Human Services, Health Services Section.

Jeannie Nix-Temple  
March 16, 1996  
Page 2

Be assured that your continued attention to this matter is appreciated. Please call me at (916) 255-2298, or Jeff Watson at (916) 255-3850 should you have any questions or need clarification.

Sincerely,



H. Thomas Unsell, Manager  
LEA/EA Branch  
Permitting and Enforcement Division

cc: Donald Krouse, M.D.  
Linda Fisher  
Russ Mull  
Jim Smith



**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting  
April 24, 1996

**AGENDA ITEM 55**

ITEM: CONSIDERATION OF APPROVAL OF THE NEGATIVE DECLARATION (SCH# 96032092) AND THE PROPOSED EMERGENCY WAIVER OF STANDARDS REGULATIONS (CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 3, ARTICLE 3, SECTIONS 17210-17210.9)

**I. SUMMARY**

The proposed regulations would allow local enforcement agencies to issue emergency waivers for the handling, storage, processing, transportation, diversion from disposal, and disposal of solid waste resulting from a state of emergency or local emergency upon the request of a solid waste facility operator. Currently, the Board is required to adopt emergency regulations for each declared disaster before an enforcement agency can issue a waiver. The effect of these proposed regulations would be to allow expeditious and planned clean-up and repair in a disaster area in order to better protect the public, health, safety, and the environment.

**II. PREVIOUS COMMITTEE ACTION**

Two public hearings were held, one on February 6, 1996 and one at the February 7, 1996 Permitting and Enforcement Committee meeting.

**III. OPTIONS FOR THE BOARD**

The Board may:

1. Accept the Committee's recommendation.
2. Modify the Committee's recommendation.
3. Take no action, direct staff to take other appropriate action, and provide the Committee and staff with further direction

**IV. STAFF RECOMMENDATIONS**

At the time this item was prepared staff was still reviewing comments received during the 15-day public review, and the Item had not been heard at the April 17, 1996 Permitting and Enforcement Committee meeting.

**V. ANALYSIS**

Background

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) section 40000 et seq., provides for the

protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC section 40502 allows the Board to adopt rules and regulations for purposes of implementing the Act. PRC section 43035 requires the Board, in cooperation with the Office of Emergency Services, to develop an integrated waste management disaster plan to provide for the handling, storage, processing, transportation, and diversion from disposal sites, or provide for disposal, if necessary, of solid waste, resulting from a state of emergency or local emergency as defined in section 8558 of the Government Code.

In the past, the Board has provided relief to local jurisdictions impacted by disaster debris by adopting emergency regulations which have granted operators holding valid permits to operate solid waste facilities, a waiver from certain standards imposed by Title 14 of the California Code of Regulations and from certain terms and conditions of their permits. These waivers were related to the origin of the waste, rate of inflow for storage, transfer or disposal of waste, type and moisture content of solid waste, hours of facility operation, and the storage time before transfer and disposal of wastes.

To streamline this process Board staff have developed the proposed regulations providing clarification and guidance to each operator who holds a solid waste facilities permit in applying for an emergency waiver of standards in the event of a state of emergency or local emergency. The proposed regulations, in part, will provide local enforcement agencies the ability to efficiently issue emergency waiver of standards, to solid waste facility operators who request this waiver, in the event of a local or State of emergency.

#### Formal Regulatory Review

Office of Administrative Law procedures for developing regulations requires a 45-day public review period and at least one public hearing. The original public review period ended on January 29, 1996. The Board held two public hearings, on January 6, 1996 and January 7, 1996. Staff made revisions to the proposed regulations based on public comment received. The revised regulations were distributed to interested parties for a 15-day comment period which ended on March 23, 1996.

#### California Environmental Quality Act Compliance

To comply with the requirements of the California Environmental Quality Act (CEQA), a notice, initial study, and proposed negative declaration was filed with the State Clearinghouse (SCH # 96032092) on March 20, 1996. The CEQA public review period is from March 21, 1996 to April 24, 1996.

Staff Presentation

This item is to summarize testimony received on the proposed regulations and to provide the Board with the Permitting and Enforcement Committee recommendation on whether to approve the proposed regulations. Staff will also update the Board on the CEQA public review status.

Findings

Please see attached resolutions on the negative declaration (Resolutions 96-201) and regulations (Resolution 96-202).

**VI. ATTACHMENTS**

1. Proposed Emergency Waiver of Standards Regulations
2. Resolution 96-201
3. Resolution 96-202

**VII. APPROVALS**

Prepared By: Chris Deidrick Phone: 255-2309

Reviewed By: Lloyd Dillon Phone: 255-2303

Reviewed By: Lorraine Van Kekerix Phone: 255-2670

Reviewed By: Judith J. Friedman Phone: 255-2302

Legal Review: MCM Phone: 4/16/96-3:45pm

**PROPOSED REGULATIONS FOR ADOPTION AT THE APRIL 24, 1996  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**TEXT CONVENTIONS FOR 45-DAY AND 15-DAY COMMENT PERIOD REVISIONS:**

1. Proposed text are underlined (Proposed)
2. Additions to the proposed text based on comments received during the 45-day public review are double underlined (Addition)
3. Deletions to the proposed text based on comments received during the 45-day public review are stricken (~~Deletion~~)
4. No revisions to text after 15-day public review

**TEXT OF REGULATIONS**

**California Code of Regulations**

Title 14.	Natural Resources
Division 7.	California Integrated Waste Management Board
Chapter 3.	Minimum Standards for Solid Waste Handling and Disposal
<u>Article 3.</u>	<u>Emergency Waiver of Standards</u>

**DETAILED ANALYSIS**

**Section**

<u>17210.</u>	<u>Scope and Applicability</u>
<u>17210.1</u>	<u>Definitions</u>
<u>17210.2</u>	<u>Purpose and Limitations of an Emergency Waiver</u>
<u>17210.3</u>	<u>Request for an Emergency Waiver</u>
<u>17210.4</u>	<u>Granting an Emergency Waiver</u>
<u>17210.5</u>	<u>Reporting Requirements for a Solid Waste Facility Operator</u>
<u>17210.6</u>	<u>Reporting Requirements for an Enforcement Agency</u>
<u>17210.7</u>	<u>Selection of a Solid Waste Facility for Emergency Disposal and Diversion</u>
<u>17210.8</u>	<u>Authority of an Enforcement Agency</u>
<u>17210.9</u>	<u>Executive Director's Powers and Duties Relative to the Emergency Waiver</u>

Section 17210. Scope and Applicability.

(a) This Article informs an operator, who holds a valid solid waste facilities permit, of the process for applying for an emergency waiver of standards (waiver) in the event of a state of emergency or local emergency. The waiver grants an operator temporary relief from specific standards imposed by this Division or specific terms or conditions of a solid waste facilities permit issued pursuant to this Division. This Article implements and makes specific those provisions of Section 43035 of the Public Resources Code relating to the integrated waste management disaster plan.

(b) This Article is not intended to limit the authority of the state or a local agency during a disaster or emergency.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40001, 40002, 40051, 40052, 40053, 40054, 40055, 40056, 40057, 43020, and 43021 of the Public Resources Code.

Section 17210.1 Definitions.

(a) "Agency" means the local agency responsible for compiling the disposal information from haulers and operators. The county is the agency, unless a region is given the responsibility as part of a regional agreement.

(ba) "Board" means the California Integrated Waste Management Board.

(cb) "Disaster" means a natural catastrophe such as an earthquake, fire, flood, landslide, or volcanic eruption, or, regardless of cause, any explosion, fire, or flood.

(de) "Disaster Debris" means nonhazardous solid waste caused by or directly related to a disaster.

(ed) "Diversion" means the directing of solid waste from a disposal facility or transformation facility by means of recycling, reuse, or composting.

(fe) "Emergency Waiver of Standards" means the document signifying approval by an enforcement agency which allows an operator, who holds a valid solid waste facilities permit, the ability to deviate from specified state minimum solid waste standards or terms or conditions of a solid waste facilities permit issued pursuant to this Division. The waiver applies to the origin of waste; the rate of inflow for storage, transfer, or disposal of waste; the type and moisture content of solid waste; the hours of facility operation; and the storage time before transfer or disposal of wastes, at a solid waste facility. This includes the establishment of a locally-approved temporary transfer or processing site facility, if authorized according to a temporary permit issued by the enforcement agency, to meet the requirements of section 17210.7, or, if needed, to replace a

permitted facility that is unavailable because of the effects of the disaster or emergency.

(gf) "Enforcement Agency" means the agency designated pursuant to the requirements set forth in Public Resources Code, sections 43200 through 43221, or the Executive Director of the Board acting as the enforcement agency (EA) in the event that the enforcement agency (EA) is incapable of responding due to the nature of the emergency.

(hg) "Extent Feasible" is evidenced by the use of maximum efforts to recycle, reuse, or otherwise divert from disposal as much of the debris and other nonhazardous waste received by the solid waste facility as possible, as determined by the operator as can be demonstrated possible according to the circumstances.

(ih) "Jurisdiction of Origin" means the incorporated city or the unincorporated area of the county where the waste originated.

(ji) "Local Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, as described in Government Code section 8558(c), which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, as stated in the proclamation by the governing body of a county, city and county, or city, or by an official so designated by ordinance adopted by such governing body to issue such proclamation.

(kj) "State of Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state, as described in Government Code section 8558(b), which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and require the combined forces of a mutual aid region or regions to combat, as stated in a proclamation by the Governor.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021, and 43035, Public Resources Code.

**Section 17210.2**      **Purpose and Limitations of an Emergency Waiver.**

(a) An emergency waiver may only be issued when there has been a proclamation of a state of emergency or local emergency, as those terms are defined in this Article.

(b) An EA may approve and issue a waiver for the express purpose of enabling an operator of an existing or temporary permitted solid waste facility or a locally-approved temporary transfer or processing site to accept disaster debris and other

nonhazardous wastes, in a manner not consistent with the terms and conditions of the relevant solid waste facilities permit, during the recovery phase of a state of emergency or local emergency.

(c) The waiver may apply to specified state minimum solid waste standards or a specific term or condition of a solid waste facilities permit, at an existing ~~or temporary~~ solid waste facility~~ies~~ or a locally-approved temporary transfer or processing site which are related to the following: the origin of waste; the rate of inflow for storage, transfer, processing, or disposal of waste; the type and moisture content of solid waste; the hours of facility operation; and the storage time before transfer, processing, or disposal of nonhazardous waste.

(d) The effective period of a ~~an~~ initial waiver, once ~~activated~~ granted by the EA, shall not exceed 120 days. Upon ~~written approval from the Executive Director of the Board and~~ ~~upon~~ receipt of the reports required in section 17210.5, the EA may extend the effective period of a waiver, as necessary, to assist in the recovery from an emergency.

(e) All other state minimum standards and permit conditions which are not the subject of the waiver shall remain in effect.

(f) A waiver may be modified, canceled, or revoked by the EA without advance notice should the EA determine that any of the following occurs:

(1) ~~The EA or the Board determines that use of such a waiver will cause or contribute to a public health and safety or environmental problem;~~

(2) ~~The EA or the Board determines that the terms of the waiver are not being used expressly to handle the state of emergency or local emergency and are not in the best interest of the public health and safety;~~

(3) ~~The EA or the Board determines that the waiver is no longer necessary;~~

(4) ~~The EA or the Board determines that the solid waste facility operator is not utilizing disaster debris diversion programs to the extent feasible.~~

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021, and 43035, Public Resources Code.

### Section 17210.3 Request for an Emergency Waiver.

(a) An operator may apply to an EA for a waiver after a disaster or emergency situation as defined in this Article, has been declared. The waiver shall only be ~~activated~~ granted with the express approval of the EA following a proclamation of emergency or declaration of disaster at the local or state levels.

(b) To obtain a waiver, a solid waste facility operator shall submit a written request to the EA. The request for a waiver shall include, but not be limited to, the following information:

(1) A listing of the existing ~~or temporary~~ solid waste facilities' permit terms and conditions to be waived in order to facilitate recovery and disposal of disaster debris in the event of a declared disaster or emergency;

(2) A statement of the remaining disposal capacity of the solid waste disposal facility at the time of the request;

(3) A description of all facility-related diversion programs and on-site recycling facilities; and

(4) A listing of locally-approved temporary storage transfer or processing sites areas to be used to store disaster debris for future reuse or recycling.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40001, 40002, 43020, 43021 and 43035, Public Resources Code.

#### Section 17210.4 Granting an Emergency Waiver.

(a) The EA may grant a waiver during a proclamation of emergency or declaration of disaster upon making the following findings:

(1) The operator applying for the waiver holds a valid solid waste facilities permit;

(2) The waiver will not pose a threat to public health and safety or the environment;

(3) ~~The terms of the waiver do not conflict with the disaster response plan of the affected jurisdiction; and~~

(34) The operator ~~has identified~~ and ~~agrees to implement~~, to the extent feasible, diversion programs to maximize diversion through reuse, recycling, or composting of disaster-related waste.

(b) Within 7 days of receipt of the solid waste facility operator's request for a waiver, the EA shall notify the solid waste facility operator in writing whether or not the request for waiver has been granted. If the proposed waiver is not granted, the EA's notification shall contain reasons for the denial. The solid waste facility operator may reapply for the waiver at a later date or submit necessary documentation to receive the waiver immediately.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021, and 43035, Public Resources Code.



Section 17210.5

Reporting Requirements for a Solid Waste Facility Operator.

(a) The solid waste facility operator shall submit a written report to the EA and the local county agency (agency) within 90 days of activation of the waiver and every 90 days thereafter for the effective period of the activated waiver.

(b) The written report shall include the following information:

(1) The daily amount of disaster debris received, diverted, and disposed at the facility;

(2) The jurisdiction of origin for the disaster debris received at the facility;

(3) The increase in tonnage or volume of waste received per day during the effective period of the activated waiver; and

(4) The facilities used to process the disaster debris.

(c) If pursuant to section 17210.2(d) of this Article, the waiver is extended beyond 120 days, the operator shall submit a report, to the EA as described in subparagraph (b), to the EA and agency. The report shall be submitted once every 90 days until the end of the effective period of the waiver.

(d) After the activated waiver expires, the solid waste facility operator shall continue to submit the information requested in item (b) above to the EA and agency, every 90 days, until there is no longer any discernable disaster related waste being processed or stored at the facility.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021, and 43035, Public Resources Code.

Section 17210.6

Reporting Requirements for an Enforcement Agency.

(a) The EA shall transmit a copy of the approved waiver to the Board within 15 days of its issuance.

(b) The EA shall submit a copy of the operator's written reports to the Board and to each affected jurisdiction within 30 days of the receipt of the reports.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021 and 43035, Public Resources Code.

**Section 17210.7**

**Selection of a Solid Waste Facility for  
Emergency Disposal and Diversion.**

(a) In the event of a state of emergency or local emergency, the EA shall do the following:

(1) Assist a local government within its jurisdiction by providing a list of solid waste disposal facilities which have been granted a waiver. The list shall include site capacity for acceptance of waste, hours of operation, daily tonnage limits during the emergency, and on-site recycling and diversion for disaster-related debris.

(2) Survey the solid waste facilities within its jurisdiction and determine the diversion programs available at the facilities. Diversion information will be made available by the EA to an affected local jurisdiction and to the public during a declared emergency.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021, and 43035, Public Resources Code.

**Section 17210.8**

**Authority of an Enforcement Agency.**

(a) An EA, may approve waivers of minimum standards and specific terms or conditions of a solid waste facilities permit, as needed, to respond to a disaster or emergency situation, as defined in section 17201.12.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40001, 40002, 40051, 40052, 40053, 40054, 40055, 40056, 40057, 43020, and 43021 of the Public Resources Code.

**Section 17210.9**

**Executive Director's Powers and Duties  
Relative to the Emergency Waiver.**

(a) The Executive Director of the Board shall review all EA waiver approvals. The Executive Director may condition, limit, suspend, or terminate an operator's use of a waiver, if it is determined that use of the waiver would cause harm to public health and safety, or the environment.

(b) The Executive Director may condition, limit, suspend, or terminate an operator's use of a waiver if it is found that the operator has not utilized reasonably available waste diversion programs as identified in its waiver documentation.

(c) The Executive Director shall report to the Board at a regularly scheduled meeting any activation granting of a waiver, and all determinations made concerning the waiver.

NOTE: Authority cited: Sections 40502 and 43035, Public Resources Code. Reference: Sections 40002, 43020, 43021, and 43035, Public Resources Code.

**California Integrated Waste Management Board**  
**Resolution 96-201**  
**April 24, 1996**

**CONSIDERATION OF APPROVAL OF THE NEGATIVE DECLARATION FOR THE  
PROPOSED EMERGENCY WAIVER OF STANDARDS REGULATIONS, TITLE 14,  
DIVISION 7, CHAPTER 3, ARTICLE 3, SECTIONS 17210-17210.9**

**WHEREAS**, Board staff has completed a thorough environmental analysis and prepared an initial study indicating that the proposed emergency waiver of standards regulations will not have significant effect on the environment, and

**WHEREAS**, the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.), and State CEQA Guidelines, Section 15074 (b) requires that prior to approval of a proposed project, the decision-making body of the Board, as Lead Agency, shall consider the proposed Negative Declaration for the amendment of California Code of Regulations, Title 14, Division 7, Chapter 3, by adopting Article 3, Sections 17210 through 17210.9, together with any comments received during the public review process. The decision-making body shall approve the Negative Declaration if it finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment; and

**WHEREAS**, the Board has circulated the proposed Negative Declaration to public agencies through the State Clearinghouse, and has made the document available to the public as announced in three newspapers of general circulation throughout the State of California for the required time period as required by State CEQA Guidelines, Section 15072 (a); and

**WHEREAS**, the Board has reviewed and considered all comments received during the State agency and public review period.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby deems the proposed Negative Declaration complete.

**BE IT FURTHER RESOLVED** that the Board has determined that the project as proposed will not have a significant adverse effect on the environment.

**BE IT FURTHER RESOLVED** that the Board adopts the Negative Declaration, State Clearinghouse Number 96032092.

**BE IT FURTHER RESOLVED** that the Board directs staff to prepare and submit a Notice of Determination for the project to the State Clearinghouse for filing as required by State CEQA Guidelines (Title 14, California Code of Regulations, Section 15075).

# **CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24, 1996.

Dated: .

Ralph E. Chandler  
Executive Director

California Integrated Waste Management Board  
Resolution 96-202  
April 24, 1996

CONSIDERATION OF APPROVAL OF THE PROPOSED EMERGENCY WAIVER OF  
STANDARDS REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 3,  
ARTICLE 3, SECTIONS 17210-17210.9

WHEREAS, Public Resources Code Section 40502 requires the Board to adopt regulations to carry out the mandates of solid waste management; and

WHEREAS, formal notice of the rulemaking activity was published on December 16, 1995 in the California Regulatory Notice Register 95, Volume No. 50-Z; and

WHEREAS, the Board held a 45-day comment period, two public hearings, and an additional 15-day comment period for substantially related changes; and

WHEREAS, the Board has taken all public comments under consideration; and

WHEREAS, the Board has fulfilled all of the requirements of Government Code Sections 11340 et. seq.; and Title 1 of the California Code of Regulations, Section 1 et. seq.; and

WHEREAS, the Board has maintained a rulemaking file which shall be deemed to be the record for the rulemaking proceeding pursuant to Government Code Section 11347.3; and

WHEREAS, the Board has determined that the adoption of the proposed regulations do not impose a mandate on school districts, nor do they impose any non-discretionary costs or savings on them; and

WHEREAS, the Board has determined that the proposed regulations do not impose a mandate on local government agencies; and

WHEREAS, the Board has determined that the proposed regulations will create no costs or savings to any state agency or to federal funding to the State; and

WHEREAS, the Board has determined that the proposed regulations will have no significant adverse impact on housing costs; and

WHEREAS, the Board has determined that the proposed regulations, rather than having an adverse economic impact, may provide economic relief to solid waste operations classified as small businesses, by improving disposal facility accessibility to waste haulers; and

WHEREAS, the Board has determined that the adoption of the proposed regulations will not have a cost impact on private persons or enterprises; and

WHEREAS, the Board has determined that the proposed regulations will not have an adverse impact upon California businesses' ability to compete with out-of-state business; and

WHEREAS, the Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California; and

WHEREAS, the Board has determined that no alternative considered would be more effective in carrying out the purposes for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action; and

WHEREAS, the Board finds that the above mentioned regulations are necessary for the protection of the public health and safety and the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the emergency waiver of standards regulations for codification in California Code of Regulations, Title 14, Division 7, Chapter 3, Article 3, and directs staff to submit the regulations and rulemaking file to the Office of Administrative Law for review and approval.

#### CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24, 1996.

Dated:

Ralph E. Chandler  
Executive Director

## Notice of Completion

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

See NOTE below

SCH # 96032092

Project Title: Proposed Neg Dec for Regulations for Emergency  
Waivers of Standards.

Lead Agency: California Integrated Waste Management Board

Contact Person: Chris Deidrick

Street Address: 8800 Cal Center Drive Phone: (916) 255-2309

City: Sacramento Zip: 95826 County: Sacramento

### Project Location

County: Statewide City/Nearest Community: \_\_\_\_\_

Cross Streets: \_\_\_\_\_ Zip: \_\_\_\_\_ Total Acres: \_\_\_\_\_

Assessor's Parcel No. \_\_\_\_\_ Section: \_\_\_\_\_ Twp. \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: \_\_\_\_\_ Waterways: \_\_\_\_\_

Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

### Document Type

CEQA: ☐ NOP ☐ Supplemental/Subsequent NEPA: ☐ NOI Other: ☐ Joint Document  
☐ Early Cons ☐ EIR (Prior SCH No.) ☐ EA ☐ Final Document  
☐ Neg Dec ☐ Other \_\_\_\_\_ ☐ Draft EIS ☐ Other \_\_\_\_\_  
☐ Draft EIR ☐ FONSI

### Local Action Type

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation  
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment  
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit  
☐ Community Plan ☐ Site Plan ☐ Land Div (Subdivision, Parcel Map, Tract Map, etc.) ☐ Other \_\_\_\_\_

### Development Type

☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_ ☐ Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  
☐ Office: Sq.Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ ☐ Transportation: Type \_\_\_\_\_  
☐ Commercial: Sq.Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ ☐ Mining: Mineral \_\_\_\_\_  
☐ Industrial: Sq.Ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ ☐ Power: Type \_\_\_\_\_ Watts \_\_\_\_\_  
☐ Educational \_\_\_\_\_ ☐ Other: \_\_\_\_\_

### Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities  
☐ Water Quality ☐ Agricultural Land ☐ Forest Land/Fire Hazard  
☐ Septic Systems ☐ Water Supply/Groundwater ☐ Air Quality  
☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian  
☐ Archeological/Historical ☐ Minerals ☐ Soil Erosion/Compaction/Grading  
☐ Wildlife ☐ Coastal Zone ☐ Noise  
☐ Solid Waste ☐ Growth Inducing ☐ Drainage/Absorption  
☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Land use  
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation  
☐ Cumulative Effects ☐ Fiscal ☐ Recreation/Parks  
☐ Vegetation ☐ Other \_\_\_\_\_

### Present Land Use/Zoning/General Plan Use

### Project Description

The project being considered is the approval, adoption and subsequent implementation of new regulations authorizing solid waste facility operators to accept demolition debris and other waste from the cleanup of a declared disaster area. These regulations will grant operators who hold valid solid waste facilities permits, a limited waiver of the minimum standards and of the terms and conditions of their solid waste facilities permits related to the origin of waste, rate of inflow for storage, transfer or disposal of waste, types of waste, and hours of facility operation.

Revised October 1989

GUIDELINES

RECEIVED  
MAR 21 1996  
STATE  
CLEARINGHOUSE

255

# Reviewing Agencies Checklist

Supplementary Document N

## KEY

- S = Document sent by lead agency
- X = Document sent by SCH
- ✓ = Suggested Distribution

### Resource Agency

- \_\_\_\_\_ Boating & Waterways
- \_\_\_\_\_ Coastal Commission
- \_\_\_\_\_ Coastal Conservancy
- \_\_\_\_\_ Colorado River Board
- \_\_\_\_\_ Conservation
- \_\_\_\_\_ Fish & Game
- \_\_\_\_\_ Forestry
- \_\_\_\_\_ Office of Historic Preservation
- \_\_\_\_\_ Parks & Recreation
- \_\_\_\_\_ Reclamation
- \_\_\_\_\_ S.F. Bay Conservation & Development Comm.
- \_\_\_\_\_ Water Resources (DWR)

### Business, Transportation & Housing

- \_\_\_\_\_ Aeronautics
- \_\_\_\_\_ California Highway Patrol
- \_\_\_\_\_ CALTRANS District # \_\_\_\_\_
- \_\_\_\_\_ Department of Transportation Planning Hqs.
- \_\_\_\_\_ Housing & Community Development
- \_\_\_\_\_ Food & Agriculture

### Health & Welfare

- \_\_\_\_\_ Health Services \_\_\_\_\_

### State & Consumer Services

- \_\_\_\_\_ General Services
- \_\_\_\_\_ OLA (Schools)

### Cal-EPA

- \_\_\_\_\_ Air Resources Board
- \_\_\_\_\_ APCD/AQMD
- \_\_\_\_\_ California Waste Management Board
- \_\_\_\_\_ SWRCB: Clean Water Grants
- \_\_\_\_\_ SWRCB: Delta Unit
- \_\_\_\_\_ SWRCB: Water Quality
- \_\_\_\_\_ SWRCB: Water Rights
- \_\_\_\_\_ Regional WQCB # \_\_\_\_\_ (\_\_\_\_\_)

### Youth & Adult Corrections

- \_\_\_\_\_ Corrections

### Independent Commissions & Offices

- \_\_\_\_\_ Energy Commission
- \_\_\_\_\_ Native American Heritage Commission
- \_\_\_\_\_ Public Utilities Commission
- \_\_\_\_\_ Santa Monica Mountains Conservatory
- \_\_\_\_\_ State Lands Commission
- \_\_\_\_\_ Tahoe Regional Planning Agency

\_\_\_\_\_ Other \_\_\_\_\_

### PUBLIC REVIEW PERIOD (To be filled in by lead agency)

Starting Date December, 1995

Ending Date February, 1996

Signature \_\_\_\_\_

Date \_\_\_\_\_

### Lead Agency Complete if Applicable

Consulting Firm: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone: (\_\_\_\_\_) \_\_\_\_\_

### For SCH Use Only:

Date Received at SCH \_\_\_\_\_  
 Date Review Starts \_\_\_\_\_  
 Date to Agencies \_\_\_\_\_  
 Clearance Date \_\_\_\_\_  
 Notes: \_\_\_\_\_

Applicant: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: (\_\_\_\_\_) \_\_\_\_\_



**PROPOSED NEGATIVE DECLARATION FOR THE ADOPTION OF EMERGENCY  
WAIVER OF STANDARDS REGULATIONS**

**PROJECT DESCRIPTION**

The project being considered is the approval, adoption, and subsequent implementation of new regulations authorizing solid waste facility operators to accept demolition debris and other waste from the cleanup of a declared disaster area. This proposed negative declaration has been prepared to fulfill the requirements set forth by the California Environmental Quality Act (CEQA).

Copies of these regulations can be obtained from:

Chris Deidrick  
(916) 255-2309  
Office of Local Assistance  
California Integrated Waste Management Board  
8800 Cal Center Drive  
Sacramento, California, 95826

CEQA requires that potential significant adverse environmental impacts associated with the adoption and implementation of regulations be assessed within the scope of an environmental document.

These regulations are for the purpose of allowing an operator, who holds a valid solid waste facilities permit, to request an emergency waiver of standards in the event of a state or local emergency from a local enforcement agency. These regulations will grant operators, a limited waiver of the minimum standards and of the terms and conditions of their solid waste facilities permits related to the origin of waste, rate of inflow for storage, transfer or disposal of waste, types of waste, and hours of facility operation. These provisions also address temporary transfer and processing sites needed for excess disaster debris. These regulations will provide for maximum flexibility regarding handling, processing, transportation, storage, and disposal capacity through the period of the waiver. The effect of these regulations will be to facilitate clean-up and repair of declared disaster areas, thus protecting the public health, safety, general welfare, and the environment.

**BACKGROUND**

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) section 40000 et seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC section 40502 requires the Board to adopt rules and regulations in the implementation of the Act. PRC section 43035 requires the Board, in cooperation with the Office of Emergency Services, to develop an integrated waste

management disaster plan to provide for the handling, storage, processing, transportation, and diversion from disposal sites, or provide for disposal if necessary, of solid waste resulting from a state of emergency or local emergency as defined in section 8558 of the Government Code.

The Board has provided relief to local jurisdictions impacted by disaster debris by filing emergency regulations with the Office of Administrative Law which grant an operator, who holds a valid permit to operate a solid waste facility, a waiver from any standard imposed by Division 7 of CCR or any term or condition of a solid waste facilities permit. The emergency waiver must be related to the origin of waste, rate of inflow for storage, transfer or disposal, type and moisture content of solid waste, hours of facility operation, and storage time before transfer and disposal of non-putrescible wastes, as authorized by the enforcement agency.

The above described emergency regulations were filed after the event and were instated for a period of 120 days. If an impacted area requires relief from specific disposal standards or permit terms and conditions, the Board can request another 120 day extension. (For example, after the Northridge earthquake of January 17, 1994 the Board filed for emergency waiver regulations. Since the initial filing the Board has extended the regulations four times.) During an emergency this process is cumbersome and could delay cleanup and repair of a disaster area. This delay could threaten the public health, safety, and the environment of the disaster area.

The Board has prepared a Statement of Reasons for the revised regulations, which is available from the Board upon request. A copy of the text of the regulations is also available upon request. Additionally, all information upon which the regulations are based (the rulemaking file) is available for review at the Board's office at 8800 Cal Center Drive, Sacramento, California, 95826.

## **Conclusion**

Adoption of the Emergency Waiver of Standards Regulations will result in no significant adverse environmental impacts. The Board's revised regulations simplify the administrative procedures for granting emergency waivers of standards, but by doing so, the Board does not anticipate any increase in the number of waivers to be granted.

## ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Amend Regulatory Language: Title 14, California Code of Regulations (CCR) Sections 17210 through 17210.9.
2. **Lead Agency Name and Address:** California Integrated Waste Management Board (Board), Office of Local Assistance, 8800 Cal Center Drive, Sacramento, California 95826
3. **Contact Person and Phone Number:** Chris Deidrick (916) 255-2309
4. **Project Location:** Statewide
5. **Project Sponsor's Name and Address:** Board (see above)
6. **General Plan Designation:** Not Applicable (Project Statewide)
7. **Zoning:** Not Applicable (Project Statewide)
8. **Description of Project:** The adoption of new regulatory language which would adopt Title 14, CCR, Division 7, Chapter 3, Article 3, sections 17210 through 17210.9. These regulations are for the purpose of enabling solid waste facility operators to accept demolition debris and other waste from the cleanup of a declared disaster area. These regulations will grant operators who hold valid solid waste facilities permits, a limited waiver of the minimum standards and of the terms and conditions of their solid waste facilities permits related to the origin of waste, rate of inflow for storage, transfer or disposal of waste, types of waste, and hours of facility operation. These provisions also address temporary facilities needed to replace any permitted facility destroyed by a disaster. These regulations will provide for maximum flexibility regarding handling, processing, transportation, storage, and disposal capacity through the period of the waiver. The effect of these regulations will be to facilitate clean-up and repair of declared disaster areas, thus protecting the public health, safety, general welfare, and the environment.
9. **Surrounding Land Uses and Setting:** Not applicable. The project is statewide and would not effect the use of any type of facility.
10. **Other Public Agencies whose approval is required:** Not applicable. The statewide project does not effect any programs which fall within the jurisdiction of another agency.

## ENVIRONMENTAL CHECKLIST FORM

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |
|--|---|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation         |
| <input type="checkbox"/> Public Services       | <input type="checkbox"/> Population and Housing             |
| <input type="checkbox"/> Biological Resources  | <input type="checkbox"/> Utilities and Service Systems      |
| <input type="checkbox"/> Geological Problems   | <input type="checkbox"/> Energy and Mineral Resources       |
| <input type="checkbox"/> Aesthetics            | <input type="checkbox"/> Water                              |
| <input type="checkbox"/> Hazards               | <input type="checkbox"/> Cultural Resources                 |
| <input type="checkbox"/> Air Quality           | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Recreation            | <input type="checkbox"/> Mandatory Findings of Significance |

### DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
For

# ENVIRONMENTAL CHECKLIST FORM

Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

**Issues**  
(and Supporting Information Sources)

## CHECKLIST

### I. LAND USE AND PLANNING. Would the proposal:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with general plan designation or zoning?<br>(See Explanation of Checklist Responses, page 12.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (See Explanation of Checklist Responses, page 12.)          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be incompatible with existing land use in the vicinity? (See Explanation of Checklist Responses, page 12.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)? (See Explanation of Checklist Responses, page 12.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (See Explanation of Checklist Responses, page 12.)    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### II. POPULATION AND HOUSING. Would the proposal:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? (See Explanation of Checklist Responses, page 12.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Induce substantial growth in an area, either directly or indirectly? (See Explanation of Checklist Responses, page 12.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace existing housing, especially affordable housing? (See Explanation of Checklist Responses, page 12.)              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

# ENVIRONMENTAL CHECKLIST FORM

Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
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## III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? (See Explanation of Checklist Responses, page 12.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Seismic ground shaking? (See Explanation of Checklist Responses, page 12.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Seismic ground failure, including liquefaction? (See Explanation of Checklist Responses, page 12.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Seiche, tsunami, or volcanic hazard? (See Explanation of Checklist Responses, page 12.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Landslides or mudflows? (See Explanation of Checklist Responses, page 12.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill? (See Explanation of Checklist Responses, page 12.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Subsidence of the land? (See Explanation of Checklist Responses, page 12.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expansive soils? (See Explanation of Checklist Responses, page 13.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Unique geologic or physical features? (See Explanation of Checklist Responses, page 13.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## IV. WATER. Would the proposal result in:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (See Explanation of Checklist Responses, page 13.)                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people or property to water related hazards such as flooding? (See Explanation of Checklist Responses, page 13.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)? (See Explanation of Checklist Responses, page 13.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

# ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
d) Altered direction or rate of flow of groundwater? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction of groundwater otherwise available for public water supplies? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. AIR QUALITY.</b> Would the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature or cause any change in climate? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors? (See Explanation of Checklist Responses, page 13.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VI. TRANSPORTATION/CIRCULATION.</b> Would the proposal result in:				
a) Increased vehicle trips or traffic congestion? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity on-site or off-site? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VII. BIOLOGICAL RESOURCES.</b> Would the proposal result in impacts to:				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g. heritage trees)? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Woodland habitat (e.g. marsh, riparian and vernal pool)? (See Explanation of Checklist Responses, page 14.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



# ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
e) Wildlife dispersion or migration corridors? (See <i>Explanation of Checklist Responses, page 14.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VIII. ENERGY AND MINERAL RESOURCES.</b> Would the proposal:				
a) Conflict with adopted energy conservation plans? (See <i>Explanation of Checklist Responses, page 14.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use non-renewable resources in a wasteful and inefficient manner? (See <i>Explanation of Checklist Responses, page 14.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (See <i>Explanation of Checklist Responses, page 14.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HAZARDS.</b> Would the proposal involve:				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited: oil pesticides, chemicals or radiation? (See <i>Explanation of Checklist Responses, page 15.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan? (See <i>Explanation of Checklist Responses, page 15.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of a health hazard or potential health hazard? (See <i>Explanation of Checklist Responses, page 15.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards? (See <i>Explanation of Checklist Responses, page 15.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees? (See <i>Explanation of Checklist Responses, page 15.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. NOISE.</b> Would the proposal result in:				
a) Increases in existing noise levels? (See <i>Explanation of Checklist Responses, page 15.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
b) Exposure of people to severe noise levels? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XI. PUBLIC SERVICES.</b> Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a) Fire protection? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other governmental services? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XII. UTILITIES AND SERVICE SYSTEMS.</b> Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a) Power or natural gas? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communication systems? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks? (See Explanation of Checklist Responses, page 15.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage? (See Explanation of Checklist Responses, page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal? (See Explanation of Checklist Responses, page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
g) Local or regional water supplies? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIII. AESTHETICS.</b> Would the proposal:				
a) Affect a scenic vista or scenic highway? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIV. CULTURAL RESOURCES.</b> Would the proposal:				
a) Disturb paleontological resources? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Affect historical resources? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have the potential to cause a physical change which would affect unique ethnic cultural values? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Restrict existing religious or sacred uses within the potential impact area? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XV. RECREATION.</b> Would the proposal:				
a) Increase the demand for neighborhood or regional parks or other recreational facilities? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities? (See <i>Explanation of Checklist Responses</i> , page 16.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# ENVIRONMENTAL CHECKLIST FORM

Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

## XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (See <i>Explanation of Checklist Responses</i> , page 16.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals? (See <i>Explanation of Checklist Responses</i> , page 16.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). (See <i>Explanation of Checklist Responses</i> , page 17.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (See <i>Explanation of Checklist Responses</i> , page 17.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## XVII. EARLIER ANALYSES. Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. In this case a discussion should identify the following on attached sheets:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Earlier analyses used. Identify earlier analyses and state where they are available for review. (See <i>Explanation of Checklist Responses</i> , page 17.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

# ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Potentially Significant Unless Mitigate	Less Than Significant Impact	No Impact
b) Impacts inadequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and whether such effects were addressed by mitigation measures based on the earlier analysis. (See <i>Explanation of Checklist Responses</i> , page 17.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project. (See <i>Explanation of Checklist Responses</i> , page 17.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Authority:** Public Resources Code Sections 21083 and 21087.

**Reference:** Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990)

## ENVIRONMENTAL CHECKLIST FORM

### EXPLANATION OF CHECKLIST RESPONSES

I. a) Not applicable (N/A), the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) Not applicable (N/A), the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) Not applicable (N/A), the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

d) Not applicable (N/A), the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

e) Not applicable (N/A), the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

II. a) N/A, no impact on population and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, no impact on population and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) NA, no impact on housing.

III. a) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

## ENVIRONMENTAL CHECKLIST FORM

c) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

d) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

e) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

f) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

g) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

h) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

i) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

IV. a) NA, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

## ENVIRONMENTAL CHECKLIST FORM

e) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

f) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

g) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

h) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

i) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

v. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

VI. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative

c) N/A, the proposed regulations are not site specific and merely effect an administrative



## ENVIRONMENTAL CHECKLIST FORM

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

e) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

f) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

h) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

VII. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative reporting mechanism which has been determined to be no longer necessary.

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

e) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

VIII. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, no impact on the loss of availability of any known mineral resource.

## ENVIRONMENTAL CHECKLIST FORM

IX. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

e) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

X. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

XI. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, no impact on schools.

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

## ENVIRONMENTAL CHECKLIST FORM

e) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

XII. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

e) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

f) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

g) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

XIII. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

## ENVIRONMENTAL CHECKLIST FORM

XIV. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

e) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

XV. a) N/A, no impact on demand for recreational facilities and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

XVI. a) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

b) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

c) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

## ENVIRONMENTAL CHECKLIST FORM

d) N/A, the proposed regulations are not site specific and merely effect an administrative mechanism which facilitates the processing of emergency waivers of standards to landfill operators. Emergency waivers would still be granted if these regulations are not adopted.

XVII. a) NA, the proposed regulations are not site specific; no earlier analyses would apply.

b) N/A, the proposed regulations are not site specific; no earlier analyses would apply.

c) N/A, the proposed regulations are not site specific; no earlier analyses would apply.

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 24, 1996

## AGENDA ITEM 56

ITEM: UPDATE ON IMPLEMENTING PUBLIC RESOURCES CODE SECTIONS 44104 AND 44106 REGARDING THE INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE STATE MINIMUM STANDARDS

### I. COMMITTEE ACTION

The Permitting and Enforcement Committee had not yet considered this matter when this item went to print. A verbal report will be given at the Board meeting.

### II. SUMMARY

#### Background

As the result of the recent lawsuit with the Natural Resources Defense Council (NRDC), the Board can no longer implement the "Policy and Procedures for Maintaining the Inventory" (LEA Advisory #14R, September 6, 1995) unless regulations are adopted. In the absence of any regulations, the Board must implement the Inventory from the perspective of a strict liability interpretation of Public Resources Code sections 44104 and 44106. This means that any solid waste facility which violates any State Minimum Standard (SMS) in the California Code of Regulations (CCR), Title 14, Chapter 3, for any length of time is subject to being sent a Notice of Intent to include them on the Inventory. This item updates the Committee on current staff efforts to resolve this issue in the short term. It also provides the Committee with options for staff direction toward a long term resolution.

#### Immediate Approach

Incorporating the Policy into regulations would take approximately one year. This time frame could be shortened by submitting emergency regulations. Therefore, in order to initiate immediate implementation, Board staff has reviewed the SMS status for all active, permitted solid waste facilities, and is currently issuing Notices of Intent to List (NOIs) as applicable under the strict liability interpretation. It is anticipated that the Inventory will be updated at the end of July and will subsequently be presented to the Board and published in August.

### Long Term Implementation

In the long term, the Board may choose to develop regulations based on the 1995 "Policy and Procedures for Maintaining the Inventory" in order to implement the Inventory. On the other hand, if the short term immediate approach mentioned above works well, they may decide to continue to implement under the strict liability interpretation of the law without developing regulations.

### **III. OPTIONS FOR THE COMMITTEE**

Regarding long term implementation of the Inventory, Board members may decide to:

- 1) Direct staff to continue to implement the Inventory under the strict liability interpretation of the law without developing regulations.
- 2) Direct staff to immediately develop emergency regulations.
- 3) Direct staff to immediately begin developing regulations to implement the Inventory, while implementing the Inventory under the strict liability interpretation of the law until the regulations are finalized.
- 4) Direct staff to continue to implement the Inventory under the strict liability interpretation of the law, and defer making a decision on the development of regulations until August when staff present and publish the Inventory. At that time staff will be able to report on the effectiveness and efficiency of current implementation efforts, and make a recommendation as to whether regulations are necessary.

### **IV. STAFF RECOMMENDATION**

Staff recommends Option 4

### **V. ANALYSIS**

#### Background

The recent ruling in the Board's lawsuit with the NRDC resulted in Board staff no longer being able to utilize LEA Advisory # 14R, the Board's Policy and Procedures for Maintaining the Inventory (Policy). Further, unless the Policy is placed into regulations, PRC § 44104 and 44106 must be implemented using a strict liability interpretation.

This means that any facility which violates any state minimum standard for any length of time is subject to being sent a Notice of Intent to include them on the Inventory.

#### Key Issues

Regulations take approximately one year or more to develop. Emergency regulations would take less time if they could be justified. However, there is no short term option for implementing the Inventory other than from a strict liability interpretation. The Inventory is required to be published twice annually. Due to the NRDC lawsuit, the February, 1996 Publication of the Inventory was pulled from the Board's Agenda. Therefore, the Board must update the Inventory and publish it under the strict liability interpretation of the law twice between now and the end of the year.

#### Fiscal Impacts

None

#### Findings

The attached chart, Inventory Implementation Timelines, illustrates the activities required to implement the Inventory in the short term. This initial effort includes surveying the entire universe of permitted active solid waste facilities. Included in the chart are timeframes associated with each activity. The following are brief descriptions of the activities:

1) Board staff informed the LEAs and CCDEH of the impending changes in the way we maintain the Inventory in order to facilitate a smooth transition. This took place the first and second week in April.

2) Board staff used February LEA inspection data as a baseline in determining which sites to send 90 day NOIs. Additionally, in order to avoid sending NOIs to facilities which have corrected the violations in March, Board staff gathered data on March inspections from LEAs. Based on this data, NOIs will be sent from April 15-19, 1996 to operator's of those facilities in violation of state minimum standards in February which were not corrected in March.

3) Once an NOI is sent by certified mail and is received, the 90 day time frame for correction of the violations begins on the date the operator receives it. NOIs are being sent from April 15-19. There is about a 3 to 5 day average delivery time which must be accounted for and it can be as much as 10 or 11 days in some rural counties. Therefore the 90 day period will expire on average between July 19 and



July 23. Therefore, the first update and publication of the Inventory will be presented at the August P&E Committee and Board meetings.

Regarding long term implementation of the Inventory, staff feel it would be beneficial to wait and see how the current effort described above functions, before deciding on whether or not to develop regulations. This will give staff an opportunity to analyze the effectiveness and efficiency of the current effort. Therefore staff recommends option 4 of the four options presented above in section III.

#### VI. ATTACHMENTS

##### 1. Inventory Implementation Timelines

#### VII. APPROVALS

Prepared By:	<u>Paul Willman</u>	Phone:	<u>(909) 798-1549</u>
Reviewed By:	<u>John Bell</u>	Phone:	<u>255-2285</u>
Reviewed By:	<u>Clinton L. Whitney <sup>CM</sup></u>	Phone:	<u>255-2431</u>
Legal Review:	<u>Kathryn J. Dobson</u>	Date/Time:	<u>4/15/96</u>

## Inventory Implementation Timelines

Activity	Date(s)
Issue letter to all LEAs announcing the implementation of the strict liability interpretation of PRC 44104	Fax and mail on April 5, 1996
Gather and analyze data for Feb and March LEA inspections	April 1-12
Present changes in Inventory process to CCDEH	April 11
Issue Notices of Intent	April 15-19
Update Inventory	July 19-23
Publish the Inventory	August, 1996

